

In The Court of Commissioner, Saran Division, Chapra
Arms Appeal No. 183/2013
Md. Hasnain Ansari
Vrs.
The State of Bihar
ORDER

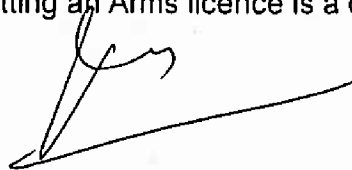
The instant appeal is directed against the impugned order passed by District Magistrate, Siwan as contained in Memo No.360/Arms dated 17.05.2013 whereby and where under the Arms Licences No. 105/92 standing in the name of the appellant was revoked.

The brief facts of the case are that the appellant Md. Hasnain Ansari S/o Md. Usman Ansari R/o Village- Samardah , P.S.- Basantpur, Dist- Siwan was granted an Arms licence bearing No. 105/92 for a single bore gun. The further case is that the appellant purchased the gun and subsequently also sold the said gun after some time in the year 1999 due to some mechanical defect. Thereafter, he could not purchase the new one due to some family problem followed by illness of his wife. He thereafter, requested the licensing authority for extending the period of licence and accordingly also got the licence renewed. Thus, this appellant had no arms since June 1999 till the date his licence was cancelled by the licensing authority as he had sold his arms in the year 1999 alleged to have been done with the permission of the licensing authority. Thereafter, the petitioner was served with a notice dated 26.04.2012 by the D.M Siwan for showing cause that in spite of absence of arms why was he holding Arms licence. The petitioner filed his show cause reply on 14.05.2012 but the licensing authority, on not being satisfied with the said show cause reply revoked the licence of the appellant by order dated 17.05.2013.

On being aggrieved by and dissatisfied with the aforesaid order, the appellant has preferred this appeal.

Heard the parties.

The learned counsel appearing on behalf of the appellant submitted that the learned D.M. , Siwan has failed to appreciate the facts relating to temporary financial conditions and illness in the family of the appellant due to which he could not purchase the arms. He further said that the D.M., Siwan ought to have considered that the appellant had paid the renewal fee for the licence up to 2012 and had not misused the same as he was not in possession of the arms but a licence only, so no question of misuse of arms arise. The learned counsel lastly prayed that this court may grant mercy to the appellant on consideration of facts that the getting an Arms licence is a daunting task



and its revocation is the worst thing for the appellant.

The learned spl. p.p. appearing on behalf of the state submitted that as the appellant failed to purchase the arms despite having licence, the learned D.M. on finding that not purchasing of Arms for such a long time in spite of holding licence and even the licence has not been renewed since 2003, are violation of the terms and conditions of the licence. These were the sufficient reasons to believe by the D.M. that the appellant has no threat to his life, so his licence has been revoked. He further said that this appeal having no merit is fit to be dismissed.

Considering the facts and circumstances of the case material on records and on going through the averments made by the parties, it appears that the appellant was granted an Arms licence way back in the year 1992 and he also purchased a gun but later on he could not buy a new gun after selling the old one for some reasons. The D.M. on finding that the appellant is in possession of licence without buying a gun, he asked show cause from the appellant and later on not being satisfied with the reasons given by the appellant for not purchasing the arms, he revoked the licence. This action of appellant is sufficient to believe that the appellant does not have any real need of arms for his safety. The learned D.M. is wholly right in holding that there is no threat of security or safety to the appellant. Even the appellant also failed to furnish substantial reasons before the licensing authority for not purchasing the arms for such a long time despite holding licence for that. I also find that the impugned order for revocation of licence has been passed as per the relevant provision of the Arms Act.

In the light of abovementioned facts, I do not find any illegality in the impugned order, hence the same is upheld and this appeal being completely devoid of merit is dismissed, accordingly.

Dictated & Corrected by me.


Commissioner,
Saran Division, Chapra

29/4/2014


Commissioner,
Saran Division, Chapra

21/4/2014