

**In The Court of Commissioner, Saran Division, Chapra**

**Arms Appeal No. 134/2015**

**Sanjay Singh**

**Vrs.**

**The State of Bihar**

**ORDER**

The instant appeal is directed against the impugned order passed by District Magistrate, Siwan on 20.03.2015 whereby and whereunder the appellant's transfer for revocation of suspension of Arms and also to discharge from submitting show cause reply issued by arms section vide memo No. 686/arms dt. 25.05.2012 with regard to cancellation of the arms licence.

The brief facts of the case are that appellant Sanjay Singh S/o Suchit Narayan Singh R/o Vill-Shyampur, P.S.-Siwan Muffasil, Dist-Siwan filed an application wherein he made a prayer to the licencing authority, D.M. Siwan for granting certain relief. Further case is that as the appellant was a named accused in Siwan Mufassil P.S. case No. 64/08 and Nautan P.S. case No. 55/07 his arms licence was suspended with immediate effects by the order of D.M. Siwan vide order No. 859 dt. 24.03.2005. Feeling aggrieved by the said order, the appellant filed an application before D.M. Siwan for setting aside the suspension order. The learned D.M. after hearing the matter finally vide order dt. 20.03.2015 held that it would be proper to take decision in the matter after disposal of all criminal cases. On being aggrieved by the said order the appellant has preferred the instant appeal.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellant, at the very outset of his arguments, submitted that the impugned order is bad in law and the same is also not maintainable in the eyes of law. He further submitted that as the appellant has been acquitted in the criminal case, his suspended licence should have been revoked but the learned D.M. without considering the matter appropriately refused to revoke the suspended licence. He also submitted that those two criminal cases lodged against the appellant and which was made the basis for suspending the licence are no longer exist now because the appellant has been discharged from those criminal cases. He lastly said that the learned D.M. without taking this important point into consideration passed the impugned order which is legally not sustainable. As such the same is fit to be set aside.

The learned A.P.P. appearing on behalf of the state, while opposing, the arguments advanced by the learned counsel for the appellant, submitted that the impugned order is just, proper and valid. He further said that the appellant was named accused in many criminal cases and he has not yet been acquitted from all the cases as such the D.M. was correct in holding that it would not be proper to take decision in the matter during the pendency of criminal trail before the Court. He lastly said that the appellant has not furnished any documentary evidence considered by the licencing authority.

Considering the facts and circumstances of the case, submissions made by the learned counsel for the parties and on perusal of material available on records as well as the impugned order of the D.M. Siwan, it appears that the said licence of the appellant has been suspended for the reason that he was named accused in two criminal cases registered in



different police stations. The appellant's claim is mainly based on the ground that as he has been acquitted from the criminal cases by the court, his suspended arms licence may be revoked as per law. However, it is seen from the operative part of the impugned order that some other cases against the appellant are still pending. The relevant portion of the impugned order read thus " आवेदक द्वारा दिये गये तर्कों एवं अभिलेख में उपलब्ध कागजातों के विश्लेषण के उपरान्त यह स्पष्ट है कि आवेदक का शस्त्र जमा रहने के कारण प्रश्नगत अवधि में शस्त्र दुरुपयोग करने का आरोप निराधार है, अतएव अनुज्ञप्ति रद्दीकरण हेतु किये गये कारण पृच्छ को वापस लिया जाता है। परन्तु यह भी सही है कि अनुज्ञप्तिधारी के विरुद्ध अन्य अपराधिक मामले अभी भी न्यायालय में लंबित हैं और इन सभी अपराधिक मामलों के अंतिम निस्तार के पश्चात् ही फलाफल के आधार पर आवेदक द्वारा न्यायालय आदेश की प्रति के साथ आवेदन देने पर शस्त्र अनुज्ञप्ति को निलंबन से मुक्त किये जाने के संबंध में निर्णय लिया जाना उचित होगा। इस observation के साथ वाद की कार्यवाई समाप्त की जाती है।"

In fact, I do not find any illegality in the said observations of D.M. Siwan. On the other hand, the learned counsel for the appellant failed to point out any infirmity in the said order of D.M. Siwan.

For the aforementioned reasons, the impugned order of D.M. Siwan is upheld and this appeal petition being devoid of any merit is dismissed, accordingly.

Dictated and Corrected by me

Commissioner  
Saran Division, Chapra.

Commissioner  
Saran Division, Chapra.