

(2004) 05 JH CK 0026

Jharkhand High Court

Case No: Writ Petition (C) No. 2613 of 2004

Sardar Veer Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: May 14, 2004

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) CriLJ 4712 : (2004) AIR Jhar HCR 2779 : (2004) 3 JCR 464 : (2005) 3 JLJR 586 : (2005) 1 RCR(Criminal) 932

Hon'ble Judges: M.Y. Eqbal, J

Bench: Single Bench

Advocate: P.S. Dayal, for the Appellant; J.C. to Sr. S.C.-1, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

M.Y. Eqbal, J.

Petitioner is challenging the order passed by the licensing authority as also the Commissioner, being the appellate authority, whereby the arms licence, granted to the petitioner, has been cancelled.

2. It appears that in 1992, a criminal case was instituted against the petitioner and his two sons wherein charge-sheet was submitted. In 1998, the licence of the petitioner was suspended and he was directed to show cause as why the licence be not cancelled. The petitioner submitted his show cause and, thereafter, by order dated 18.11.2000 respondent No. 2, licensing authority, cancelled the arms licence. The petitioner aggrieved by the said order, preferred an appeal before the Commissioner, North Chotanagpur Division, Hazribagh, which was dismissed.

3. Mr. P.S. Dayal, learned counsel appearing for the petitioner submitted that no valid reasons have been assigned by the respondents, while cancelling the arms

licence of the petitioner. Learned counsel further submitted that the petitioner was discharged in the criminal case and, therefore, initiation of the criminal case is not a ground for cancelling the licence. Learned counsel further, submitted that suspension of licence was also bad in law for the reasons that discharge of the petitioner from criminal case amounts to complete exoneration from any charge.

4. From perusal of the order of the licensing authority, it appears that while passing order of suspension, the licensing authority directed the petitioner to surrender and submit the arms but the petitioner violated the said order, which is a pre-condition of licence. Further the licensing authority has recorded in his order that the petitioner is not a law abiding citizen and he is not fit to hold arms licence. The said finding was affirmed by the Commissioner in appeal.

5. It is well settled that grant of arms licence is not a fundamental right rather it is the subjective satisfaction of the licensing authority. If the licensing authority finds that the licensee is not a fit person to hold the arms licence, he can cancel the licence. In this regard, reference may be made to a decision of the Patna High Court in the case of Kapildeo Singh Vs. State of Bihar and Others .

6. Be that as it may, since the licensing authority and the appellate authority both have come to a concurrent finding that licence granted to the petitioner deserves to be cancelled, interference with the said order by this Court, in exercise of its writ jurisdiction, is not warranted.

7. For the aforesaid reasons, I do not find any merit in this writ petition, which is, accordingly, dismissed.