

Ram Pratap Misra Vs. District Magistrate/Licensing Authority and anr.

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Court : Allahabad

Decided On : Aug-27-2002

Reported in : 2002(4)AWC3128

Judge : Anjani Kumar, J.

Acts : [Arms Act, 1959](#) - Sections 13(1); Indian Penal Code (IPC) - Sections 307

Appeal No. : C.M.W.P. No. 46773 of 1999

Appellant : Ram Pratap Misra

Respondent : District Magistrate/Licensing Authority and anr.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : P.S. Kushwaha, ;Rajendra Singh and ;K.K. Dwivedi, Advs.

Disposition : Petition dismissed

Judgement :

Anjani Kumar, J.

1. The petitioner, who is a licensee of a firearm, has been served with show cause notice by the licensing authority to show cause as to why his firearm should not be cancelled on the ground that he has allowed his firearm to be misused by his son in connection with Case Crime No. 70 of 1996 under Section 307, I.P.C. The

petitioner submitted a reply of the aforesaid show cause notice denying the charges levelled against him. The licensing authority, after considering the charges levelled against him, arrived at a finding that from the allegations and reply submitted by the petitioner, misuse of firearm is admitted and, therefore, it is not in the public interest that petitioner's arm licence should remain with him. With this, the firearm licence has been cancelled by the licensing authority who filed an appeal which has been dismissed. These orders have been challenged by the petitioner by means of this writ petition.

2. I have heard learned counsel for the petitioner. Learned counsel for the petitioner argued that Case Crime No. 70 of 1996 under Section 307. I.P.C. has ultimately resulted into acquittal of the petitioner's son and, therefore, the ground on which the licence has been cancelled is no method to substantiate. Be it as it may, the argument is misconceived. The licence was cancelled on the ground that petitioner has allowed his son to use his firearm licence who is not a licensee under Section 13(1)(b) of the Arms Act. Further findings is that continuation of the firearm licence with his son is against public interest. These findings of fact could not be demonstrated to be afforded from any error of law, in the circumstances particularly when the same has been affirmed by the appellate authority.

3. In these circumstances, this Court refuses to exercise its Jurisdiction under Article 226 of the Constitution of India. The petition is, therefore, devoid of any merit and is, accordingly, dismissed.

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