

1819
(11)
D.R.(M)

Reg. 98

402
21-11-12

May kindly see the letter, placed below at flag '2A', received from Sri Anil Kumar Kahrawar, Addl. Civil Judge (Junior Division), Mirzapur presently posted as Civil Judge (Junior Division), Saharanpur by which he has submitted his explanation about purchase of revolver instead of pistol from Field Gun Factory, Kalpi Road, Kanpur.

In this connection it is submitted that earlier on his request, Sri Kharwar had been granted permission to purchase a Pistol from Koshipore, Kolkata, vide order dated 23.02.2012 (flag 'Y') of Hon'ble Mr. Justice Sanjay Misra, communicated to the officer vide this Court's letter no. 2900/ IV- 3479/ Admin (A) dated 28.02.2012 (flag 'YY') with the direction to intimate the details of purchase along with purchase receipt and details of firearm & other relevant papers of the transaction immediately on purchase. Thereafter, Sri Kharwar, through his letter dated 14.03.2012 (flag 'Z') had submitted that he had applied for grant of permission to purchase a Pistol from Koshipore, Kolkata, but circumstances wise and due to facility, he has purchased a Revolver from Field Gun Factory, Kalpi Road, Kanpur on 13.02.2012. He had also submitted copies of relevant papers i.e. Invoice and receipt and expense voucher of the Revolver, which are at flags 'Z-1' & 'Z-2'. The same information was submitted to His Lordship through office note dated 02.04.2012 (flag '1A') with the remark that the officer has purchased a Revolver, whereas he had earlier applied for purchase of a Pistol, that too prior to grant of permission i.e. permission was granted on 23.02.2012, communicated on 28.02.2012, whereas Revolver was purchased on 13.02.2012.

On the office note dated 02.04.2012, His Lordship had been pleased to pass an order dated 21.05.2012 that ***There is discrepancy in the permission granted and the item purchased by the officer. Obtain explanation.*** The order had been communicated to the officer vide Court's letter dated 02.06.2012. (flag '1B').

In reply of Court's letter dated 02.06.2012, the officer had submitted his explanation through letter dated 22.06.12 at flag 'AA' in which he had stated that he had sent a D.D. to Koshipore, Kolkata and after a lapse of time of one year, his application form was returned back stating that it had some shortcomings. Due information has been sent to the Hon'ble High Court about this and thus he decided not to purchase pistol any more. Not only he got transferred but also due to short time, it became easy and quick to purchase revolver from Kanpur as he had licence to purchase either revolver/pistol. For these reasons revolver was purchased from Kanpur Gun Factory within a time limit of one and a half months

.....contd....,2

and he got delivery of the same. Information had been sent to the Hon'ble High Court. Therefore, while keeping in view of the above facts and circumstances, he has found it quite convenient to purchase revolver from Kanpur Gun Factory.

The matter was again submitted before His Lordship through an office note dated 17.07.2012 (flag '2B'), with the proposal either to regularize the matter or to pass any such order which His lordship deem fit and proper, upon which His Lordship passed the following order:-

"Despite repeated queries, the officer appears to have given misleading and evasive replies.

Therefore, he may be asked to furnish detailed explanation with supporting documents, if any, as to why he has purchased revolver on 13.02.2012 without permission of the Court and in violation of Circular dated 12.04.2010 issued by this Court."

The order has been communicated to the officer vide Court's letter dated 05.09.2012. (flag '2C').

In reply of Court's letter dated 05.09.2012, the officer has submitted his required detailed explanation through letter dated 04.10.2012 at flag '2A', in which he has submitted that all the act was done in the matter due to confusion/ misinterpretation and was not intentional. He has also apologize for his act and assured the Court that this will not be repeated in future. He has also submitted again copies of receipts, application, invoice, licence etc. Relating to the transaction along with his explanation. The explanation, as submitted by the officer is as follows:-

ससम्मान विनम्र निवेदन है कि मेरे द्वारा एक अदद रिवाल्वर/ पिस्टल का लाईसेन्स प्राप्त किया गया। मेरे द्वारा सर्व प्रथम पिस्टल क्रय करने हेतु कोशीकोर कोलकाता को फार्म भरकर भेजा गया, परन्तु करीब एक वर्ष इन्तजार पश्चात फार्म त्रुटिवश मुझे वापस कर दिया गया। इस दौरान मेरा स्थानांतरण भी होना था और पिस्टल कोलकाता से मिलती है जिसमें वेटिंग लिस्ट काफी लम्बी है और ज्यादा समय लगता जिससे जुडिशिएल वर्क छोड़कर हमे जाना पड़ता। जबकि माननीय महोदय जी मुझे रिवाल्वर/ पिस्टल का लाईसेन्स प्राप्त था इसलिए मेरे द्वारा सुविधा को ध्यान में रखकर रिवाल्वर खरीदने का निर्णय किया गया। जानकारी करने पर हमे पता चला कि रिवाल्वर जो कानपुर मिलती है विश्वसनीय और सुविधाजनक है जिसमें वेटिंग बहुत मामूली है और समय कम लगता है। इस कारण मेरे द्वारा रिवाल्वर क्रय कर लिया गया। माननीय महोदय ऐसा भ्रमवश हुआ न कि मेरा कोई इन्टेंशन था, क्योंकि मुझे रिवाल्वर/ पिस्टल का लाईसेन्स प्राप्त था। मैंने भ्रान्तिवश समझ लिया कि एक सूचना देना ही पर्याप्त होगा। इसलिए मेरे द्वारा सूचना माननीय उच्च न्यायालय इलाहाबाद को देने में भ्रम हो गया। जबकि लाईसेन्स रिवाल्वर/ पिस्टल का था, इसलिए मैं भ्रमित हो गया। मेरा कोई इन्टेंशन नहीं था ओर इसलिए सुविधा एवं विश्वसनीयता की द्रष्टि से रिवाल्वर कानपुर से क्रय किया गया, जिसमें वेटिंगलिस्ट काफी कम थी।

माननीय महोदय जी उक्त त्रुटि भ्रमवश परिस्थितियों के तहत मेरे द्वारा रिवाल्वर कय किया गया, क्योंकि मुझे रिवाल्वर/ पिस्टल का लाईसेन्स प्राप्त था। इस तरह भ्रमवश मैं सूचना देने से रह गया, क्योंकि मैंने भ्रान्तिवश समझ लिया कि एक सूचना देना पर्याप्त होगा। माननीय महोदय जी मेरा कोई इन्टेशन नहीं था। इस त्रुटि के लिए मैं क्षमाप्रार्थी हूँ और मुझे क्षमा कर दें। जिसकी भविष्य में पुनरावृत्ति नहीं होगी।

Under the facts and circumstances, mentioned above, if approved, the file be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and further order?

Registrar (Budget)

Reports asked under Court's letter dtd 5.9.12 (Flagged "2c") in regard to purchase of Revolver instead of Pistol and the then submitted by Sni Anil Kumar Kharwar, Addl Civil Judge (JD) Muzaffarpur now Civil Judge (JD) Saharanpur have been enumerated above in detail

K. Misra
06.11.12

DR (M)
07.11.12

Misra
7-11-12
AR

Submitted for kind perusal & onward submission before Hon'ble Mr. Justice Sanjay Misra for his Lordship's kind perusal & orders.

M
19.11.12
DR (M)

Seen.
Keep as record.
M
26/11/12.

Hon'ble Mr. Justice Sanjay Misra
Submitted for kind perusal & orders.

DR (M)

9cc Regs (B)
29.11.12

Sr. Asst. Commr
30.11.12

[Signature]
21.11.12
Registrar (Budget)

Sr. Asst. Commr

[Signature]
D.R (M)
29-11-12