

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Cr1.MC.No. 3798 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 1753/2015 of J.M.F.C.-II, KOLLAM

CRIME NO. 414/2015 OF KOLLAM EAST POLICE STATION , KOLLAM

PETITIONER(S) /ACCUSED:

SURAJ AGED 47 YEARS
S/O.SREEDHARAN, RESIDING AT ANUSREE VEEDU
GARDEN NAGAR-88, ASRAMAM CHEERY, KOLLAM EAST VILLAGE.

BY ADV. SRI.R.KISHORE

RESPONDENT(S) :

1. SUB INSPECTOR OF POLICE
KOLLAM EAST POLICE STATION-691 001.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SMT.SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 3798 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1 : THE TRUE COPY OF THE SEARCH LIST DATED 22-2-2015
SUBMITTED BY THE 1ST RESPONDENT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, KOLLAM.

ANNEXURE A2 : THE CERTIFIED COPY OF THE CHARGE SHEET DATED 10-3-2015
FILED BY THE 1ST RESPONDENT IN CRIME NO.414/2015 OF KOLLAM EAST
POLICE STATION.

RESPONDENT(S) ' EXHIBITS

nil

/TRUE COPY/

PS TO JUDGE

vgs

B.KEMAL PASHA, J.

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CRL.M.C. No.3798 of 2015

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Dated this the 16th day of September, 2015

ORDER

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. Now the offence alleged is one under Section 9B(i) (b) of the Explosives Act, 1984. This is a case in which a sizeable quantity of crackers kept in a sack were seized from the house of the petitioner. The petitioner is a licensee, who could deal with a certain quantity of explosives. According to the learned counsel petitioner, the matter will fall only under Rule 9(5) of the Explosives Rules and in such case, the prosecution ought to have revealed the quantity of the substances involved. The said question has to be decided by the court below while dealing with the matter under Section 239 Cr.P.C.

3. The learned counsel for the petitioner has pointed out that the licence of the petitioner is not being renewed and the application for renewal of licence is still pending on

account of the present case. The court below shall take the matter out of turn and consider the application that may be filed by the petitioner under Section 239 Cr.P.C. on merits, as expeditiously as possible, at any rate, within a period of two months from the date of the filing of such an application.

With the said observation, this Crl.M.C. is closed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/16/9/15

// True Copy //

P.A. To Judge