

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Crl.MC.No. 3275 of 2013

**C.C.NO.2855 OF 2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
CHERTHALA
CRIME NO. 469/2012 OF CHERTHALA POLICE STATION , ALAPPUZHA**

PETITIONER(S)/ACCUSED :

**MR.PRASANNAN, AGED 58 YEARS,
S/O.RAMAKRISHNAN, KALAVANPARAYIL HOUSE, WARD NO.XVI,
PALLIPURAM.**

**BY SRI.T.A.SHAJI (SENIOR ADVOCATE)
ADV. SRI.M.A.ASIF**

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** TRUE COPY OF THE FIR IN CRIME NO.469/2012 OF CHERTHALA POLICE STATION.
- ANNEXURE B:** TRUE COPY OF THE EXAMINATION AND DESTRUCTION REPORT OF THE DY. CONTROLLER OF EXPLOSIVES.
- ANNEXURE C:** TRUE COPY OF THE SEARCH LIST.
- ANNEXURE D:** TRUE COPY OF THE FINAL REPORT IN CRIME NO.469/2012 OF CHERTHALA POLICE STATION.
- ANNEXURE E:** TRUE COPY OF THE JUDGMENT DATED 11.10.2013, OF THIS HON'BLE COURT IN W.P(C).NO.25001/2013.
- ANNEXURE F:** TRUE COPY OF THE ORDER NO.K.DIS.53845/2013N4 DATED 12.12.2013 OF THE ADDITIONAL DISTRICT MAGISTRATE, ALAPUZHA.
- ANNEXURE G:** TRUE COPY OF THE EXPLOSIVE LICENSE NO.476/ALPY DATED 13.12.2013 ISSUED IN THE NAME OF THE PETITIONER.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 3275 of 2013
.....

Dated this the 9th day of October, 2015

ORDER

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

2. According to the petitioner, once his licence for possessing explosive substances was cancelled, and he filed an application for renewal of licence. That application was not considered by the authority on the ground that it was not in proper form and sufficient documents were not produced. Challenging the said order, he had approached this Court through W.P.(C) No.25001/2013. This Court disposed of the said writ petition through Annexure E

judgment by giving an opportunity to the petitioner to file proper application, with sufficient documents as contemplated under law.

3. Based on Annexure E, he filed appropriate application before the authority through Annexure F. The said application was allowed and his licence was restored. According to the petitioner, it has to be deemed that at the time of occurrence of this case, it has to be deemed that he was holding necessary licence as the licence was restored. It is a question to be decided as to whether the licence has been renewed or restored. Over and above it, it is argued that even the contents of the final report does not reveal an offence as alleged.

4. It is for the petitioner to establish these aspects before the court below at the stage of Section 239 Cr.P.C. With liberty to the petitioner to have recourse to file an application under Section 239 Cr.P.C. before the court below, this Crl.M.C. is disposed of. The court below shall consider

the said application and pass appropriate orders, in
accordance with law.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge