

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Crl.MC.No. 4683 of 2015

**CC. 1674/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY.
CRIME NO. 324/2013 OF CHAKKARAKKAL POLICE STATION, KANNUR DISTRICT**
.....

PETITIONER(S)/ACCUSED:

**ANIL KUMAR K., S/O KARUAN,
40/13, CHANDROTH HOUSE,
SONA ROAD, CHAKKARAKKAL,
KANNUR-670 613.**

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

Crl.MC.No. 4683 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A: **TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE
POLICE IN CC 1674/14 OF CHIEF CHIEF JUDICIAL MAGISTRATE
COURT, THALASSERY ARISING OUT OF CRIM NO. 324/13
CHAKKARAKKAL POLICE STATION AS GIVEN TO THE
ACCUSED.**

RESPONDENTS' ANNEXURES: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

.....
CRL. M.C. No. 4683 of 2015
.....

Dated this the 17th day of September, 2015

ORDER

Substantial quantity of crackers, which are explosives, were allegedly seized from a corner of the shop room of the petitioner. Admittedly, the petitioner has no licence to deal with any explosives. It is true that there is no specific averment in the prosecution case that the explosives were kept by the petitioner for his own personal use or for sales.

2. The offences alleged against the petitioner are the one under Section 286 IPC and Section 9B(1)(b) of the Explosives Act, 1884. According to the the learned counsel for the petitioner, when there is no specific averment in the prosecution case that such explosives were meant for the

personal use of the petitioner or for sales, an offence under Section 9B(1)(b) of the Explosives Act cannot be attracted. It has to be noted that an offence under Section 286 IPC has also been incorporated in the matter. This Court is not expressing anything about the sustainability of charges at present. The matter is left open to the court below to decide it at the stage of Section 239 Cr.P.C. In case an application is filed by the petitioner under Section 239 Cr.P.C., the court below shall consider it and dispose it of in accordance with law.

With the above observation, this CrI.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge