

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937**

**Crl.MC.No. 3750 of 2013**  
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**CRIME NO. 496/2013 OF KULAVALLUR POLICE STATION , KANNUR DISTRICT**  
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**PETITIONER(S)/ACCUSED :**  
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**P.M.MUNEER, AGED 48 YEARS,  
S/O.MAHIN HAJI, P.W.D.CONTRACTOR, KAMBAR HOUSE,  
BEDRADUKKA (P.O), KASARAGOD, PIN- 671 124.**

**BY SRI.K.GOPALAKRISHNA KURUP (SENIOR ADVOCATE )  
ADVS. SRI.RAJAN VELLOTH  
SRI.T.K.AJITH KUMAR  
SRI.P.VINODKUMAR  
SRI.K.T.SIDHIQ**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD  
ON 09-12-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' ANNEXURES :**

- ANNEXURE-A:** TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED BY THE SUPERINTENDING ENGINEER, PROJECT CIRCLE (IRRIGATION) KANNUR.
- ANNEXURE-B:** TRUE COPY OF THE PERMIT ISSUED BY THE ADDITIONAL DISTRICT MAGISTRATE KANNUR BEARING NO.2011/18880/13.
- ANNEXURE-C:** TRUE COPY OF THE CONSENT VARIATION ORDER DATED 01.01.2013 ISSUED BY THE POLLUTION CONTROL BOARD KANNUR IN FAVOUR OF THE PETITIONER.
- ANNEXURE-D:** TRUE COPY OF THE LICENSE ISSUED BY THRIPPANGOTTUR GRAMA PANCHAYATH BEARING NO.A114/13 - 04 DATED 04/04/2013 IN FAVOUR OF THE PETITIONER.
- ANNEXURE-E:** TRUE COPY OF THE PERMIT ISSUED BY THE DEPARTMENT OF MINING AND GEOLOGY DATED 19.12.2012.
- ANNEXURE-F:** TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.496 OF 2013 OF KOLAVALLUR POLICE STATION.

**RESPONDENT(S)' ANNEXURES :**

**NIL**

**//TRUE COPY//**

**PA.TO JUDGE.**

Msd.

**B. KEMAL PASHA, J.**

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Crl.M.C. No.3750 of 2013 E  
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*Dated this the 9<sup>th</sup> day of December, 2015*

**ORDER**

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Crime No.496/2013 has been registered for the offence punishable under Section 4 of the Explosive Substances Act, 1908. According to the petitioner, at the most, the instance could only be a violation of the licence conditions.

2. Heard learned Senior Counsel for the petitioner and learned Public Prosecutor.

3. Learned Public Prosecutor submits that presently, in the investigation, the offence has been altered as one under Section 9B(1) of the Explosives Act, 1884.

Recording the said submission, this Crl.M.C. is disposed of.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/09/12

*// True Copy //*

*PA to Judge*