

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 30397 of 2015 (Y)

PETITIONER:

**SIVAKUMAR M.P., AGED 35 YEARS
S/O.MANIAN, KARAMKUZHI HOUSE, POOZHICKUNNU
ESTATE.P.O, THIRUVANANTHAPURAM-695519.**

**BY ADVS.SRI.TONY THOMAS (INCHIPARAMBIL)
SRI.P.THOMAS GEEVERGHESE**

RESPONDENTS:

- 1. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM, COLLECTORATE, KUDAPPANAKUNNU.P.O
TRIVANDRUM-695005.**
- 2. ADDITIONAL DISTRICT COLLECTOR,
THIRUVANANTHAPURAM, COLLECTORATE, KUDAPPANAKUNNU.P.O
TRIVANDRUM-695005.**
- 3. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 4. DEPUTY CHIEF CONTROLLER OF EXPLOSIVES,
2-IIIRD FLOOR, CGO COMPLEX, KAKKANAD,
ERNAKULAM-(KERALA)-682030.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 30397 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 TRUE COPY OF HIS LICENSE FOR PERIOD 2010-2011 DATED 8/10/2010**
- P2 TRUE COPY OF APPEAL MEMORANDUM**
- P3 TRUE COPY OF INTERIM ORDER IN W.P.(C)DATED 10/10/2014**
- P4 TRUE COPY OF JUDGMENT IN W.P.(C)DTAED 6/11/2014**
- P5 TRUE COPY OF IMPUGNED ORDER DATED 07/09/2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 30397 of 2015

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Dated this the 7th day of October, 2015

J U D G M E N T

The petitioner applied for renewal of explosive licence. This has been rejected stating that registration of Crime No.442/2012 against the petitioner for offences under the I.P.C as well as the Explosive Substances Act.

2. The petitioner submits that the above case is pending and the petitioner has not been convicted. The competent authority rejected renewal application stating that the offence against the petitioner is pending before the competent court. The petitioner draws to attention of Rule 118 of the Explosives Rule 2008 which reads as follows:

“118. Suspension and revocation or cancellation of licence.– (1)
Every licence granted under these rules shall–
(I) stand cancelled, if–
(a) xxxxxxxxxx
(b) the licensee is convicted and sentenced under any criminal offences or ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974), a bond for keeping peace for good behaviour.”

3. The above provision clearly indicates that there should

be a conviction or cancellation or revocation or suspension of the explosive licence.

4. In that view of the matter, this Court is of the view that mere pendency of the criminal case should not be a reason to refuse renewal of arms licence. Therefore there shall be a direction to consider the renewal application within two weeks from the date of receipt of the copy of this judgment.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE