

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WP(C).No. 35262 of 2015 (G)

PETITIONER:

**REJIMOL, AGED 34 YEARS,
W/O.PRADEEP.T, ILLATHUVELI, MAYITHARA P.O.,
CHERTHALA, ALLEPPEY DISTRICT.**

**BY ADVS.SRI.JOSEPH RONY JOSE
SRI.E.A.JOSE
SMT.JYOTHI ABRAHAM**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN CODE - 695001.**
- 2. THE DISTRICT COLLECTOR,
ALLEPPEY, DISTRICT COLLECTORATE,
ALLEPPEY DISTRICT, PIN CODE - 688 001.**
- 3. ADDITIONAL DISTRICT MAGISTRATE ALLEPPEY,
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE,
ALLEPPEY, PIN CODE - 688 001.**
- 4. THE TAHSILDHAR, CHERTHALA,
OFFICE OF THE TAHSILDHAR, CHERTHALA,
ALLEPPEY DISTRICT, PIN CODE - 688 524.**
- 5. THE DISTRICT POLICE CHIEF ALLEPPEY,
OFFICE OF THE DISTRICT POLICE CHIEF,
ALLEPPEY DISTRICT, PIN CODE - 688 001.**
- 6. THE STATION HOUSE OFFICER,
MARARIKULAM POLICE STATION, MARRARIKULAM,
ALLEPPEY DISTRICT, PIN - 688 539.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 35262 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P-1: PHOTOSTAT COPY OF THE ORDER PASSED BY 3RD RESPONDENT
DATED 16.11.2015 REJECTING THE RENEWAL APPLICATION.**

**EXT.P-2: PHOTOSTAT COPY OF THE LICENSE RENEWAL FOR 2014
DATED 5.5.2014.**

EXT.P-3: PHOTOSTAT COPY OF THE CHALAN RECEIPT DATED 10.2.2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 35262 of 2015

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Dated this the 21st day of November, 2015

J U D G M E N T

The petitioner applied for renewal of explosive licence. The application has been rejected as per Ext.P1 stating that the petitioner's husband is involved in a crime registered by Mararikkulam police. The offence against the petitioner's husband includes the offence under the Explosives Act.

2. It is to be noted in Ext.P1, the District Magistrate has no case that the petitioner's husband has been convicted for the offence. It is also to be noted that the petitioner is not an accused in the crime.

3. It is to be noted under Section 118 of the Explosive Act , the licence can be rejected only if the accused has been convicted for the offence. Section 118 of the Explosive Act reads as follows:

Suspension and revocation or cancellation of licence.-(1) Every licence granted under these rules shall-

(1) stand cancelled, if-

(a) xxx

(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.”

4. In the light of above, the impugned order is set aside and there shall be a direction to the District Magistrate to reconsider the application in accordance with the law within a period of three weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE