



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2015

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.R.C(MD)No.541 of 2014

and

M.P.(MD)No.1 of 2014

M.Nagarajan

... Revision Petitioner/Petitioner
/Accused

-Vs-

The Inspector of Police,
Vadamadurai Police Station,
Station Crime No.317/2014

...Respondent/Respondent
/ Complainant

PRAYER: Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to allow the present Criminal Revision Petition by setting aside the order dated 18.11.2014 passed in Cr.M.P.No.5430/2014 by the District Munsif-cum-Judicial Magistrate, Vedaasendur.

For petitioner

: Ms.J.Maria Roseline

For Respondent

: Mr.P.Kandasamy

Government Advocate (Cr1. Side)

ORDER

This revision has been filed challenging the order passed in Cr.M.P.No.5430/2014, by the learned District Munsif-cum-Judicial Magistrate, Vedaasendur, dated 18.11.2014.

2. The petitioner is a licenced-holder of explosives and he was found in possession of explosives beyond the linceded capacity and hence a case came to be registered in Crime No.317 of 2014 for the offence under Section 9(B) (1) (b) of the Indian Explosives Act, 1988 on 24.09.2014.

3. The petitioner has filed a petition in Cr.M.P.No.5430 of 2014 before the leaned District Munsif-Cum-Judicial Magistrate, Vedaasendur, and sought for return of the explosives seized from his custody. The same was dismissed by the Court below, giving rise to this revision.

4. We have heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.



5. The learned counsel for the petitioner submitted that as a licenced holder of the explosives, the petitioner had come to hold excess explosives as deliveries effected by the petitioner had been returned. As per rules, the petitioner is permitted a period of 15 days to inform the authorities concerned in the event of excess holding. The return of explosives had been received by the petitioner only on 23.09.2014 but the case has been registered on the very next day. Submitting thus, the learned counsel appearing for the petitioner submits that the further holding of the explosives in custody would render them useless and hence, it would be appropriate to order return of the same. The petitioner would comply with any condition imposed by this Court including requirement of deposit of value of the explosives.

6. The learned Addl. Public Prosecutor would vehemently oppose the grant of relief informing that the explosives seized from the petitioner may be the subject-matter of confiscation. He would contend that the investigation is pending.

7. On consideration of rival submissions, this Court orders return of the explosives to the petitioner subject to the condition that the petitioner deposit a sum of Rs.1,00,000/- (Rupees One Lakh) to the credit of Crime No. 317 of 2014 on the file of the learned District Munsif-cum-Judicial Magistrate, Vedaesendur.

9. In the result, the Criminal Revision Petition is allowed. Consequently connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

1. The District Munsif cum Judicial Magistrate, Vedaesendur.

2. The Inspector of Police, Vadamadurai Police Station,

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. J. Maria Roseline Advocate in SR.No. 2412

TS/14.02.2015/2P-5C

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