

HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.11613 of 2011

Date: 01.06.2015

Between:

Bandaru Venkata Swamy,

Rajahmundry.

...Petitioner

And

The Superintendent of Police,

Rajahmundry and others.

... Respondents

HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.11613 of 2011

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ORDER:

The petitioner assails the action of the police authorities in interfering with his business activities on the ground that the same is without authority of law.

The Inspector of Police, I Town Law and Order Police Station,

Rajahmundry, East Godavari District, filed a counter affidavit stating that Crime No. 145 of 2010 was registered against the petitioner under Section 9(1)(b) of the Indian Explosives Act, 1884 read with Rule 12 of the Explosives Rules, 1983 on the ground that he was found to be in possession of certain fire crackers without a valid licence. The counter further reflects that upon filing of a charge sheet in relation to the said crime, the matter was taken on file by the learned II Additional Judicial First Class Magistrate, Rajahmundry, as C.C. No. 274 of 2011. However, it appears that by order dated 30.4.2013 passed by the learned II Additional Judicial First Class Magistrate, Rajahmundry, in Criminal M.P. No. 1273 of 2013 in C.C. No. 274 of 2011, the petitioner stood discharged under Section 239 Cr.P.C. This order was passed taking into account the fact that the chemicals seized from the petitioner's possession did not require a licence under the Indian Explosives Act, 1884.

In the light of the aforestated facts, it is clear that the petitioner already stands discharged in C.C. No. 274 of 2011 on the file of the learned II Additional Judicial First Class Magistrate, Rajahmundry. As such, the police authorities, going by their own reckoning as is evident from the counter affidavit, have no cause to interfere with the petitioner's business activities.

The writ petition is accordingly allowed directing the respondents not to interfere with the petitioner's business activities in connection with the subject matter of C.C. No.274 of 2011 on the file of the learned II Additional Judicial First Class Magistrate, Rajahmundry.

Pending miscellaneous petitions shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date: 1st June, 2015

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