



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2016
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

Crl.O.P (MD) Nos.17913 & 17927 of 2016
and
CRL.M.P (MD) Nos.8926 & 8927 of 2016
Crl.M.P (MD) No.8928 & 8929 of 2016

Crl.O.P (MD) No.17913 of 2016

Narayanan

... Petitioner

. vs. .

The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.359 of 2015, on the file of the Judicial Magistrate, Karaikudi quash the same.

Crl.O.P (MD) No.17927 of 2016

Narayanan

...Petitioner

. vs. .

1.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

2.M.Arumugam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.279 of 2015, on the file of the Judicial Magistrate, Karaikudi quash the same.

For Petitioner : Mr.K.Balasundharam (in both Crl.OPs)

For Respondent : Mr.K.Anbarasan, Govt. Advocate

in Crl.O.P (MD) Nos.17913/16 &

for First respondent in Crl.O.P (MD) Nos.17927/16

COMMON ORDER

These Criminal Original Petitions have been filed to quash the charge sheet filed in C.C.Nos.59 and 279 of 2015, before the file of the Judicial Magistrate, Karaikudi.



2.The case of the prosecution is that the accused was found in possession of Explosive Substances.

3.The learned counsel for the petitioner would submit that as per Section 7 of the Explosive Substance Act, prosecution can be lodged only after getting sanction from the District Magistrate, however, in this case without obtaining sanction, the case has been filed against the petitioner. It is further submitted that the report of the Forensic Science Department, Chennai would show that the substances recovered has not come under the definition of the Explosives.

4.Per contra, the learned Government Advocate (Crl.side) would submit that only after obtaining sanction, the Village Administrative Officer has filed the complaint and the report of the Junior Scientific Officer, dated 24.05.2012 would show that the Constituents detected in the above three items are the ingredients of Low explosives substances and the Low explosives when exploded may endanger humanlife and properties.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the State and also perused the materials available on record.

6. The petitioner has not made out any grounds to quash the charge-sheet, hence, these petitions are dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Karaikudi.
2. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 2 CC TO Mr.K.BALASUNDHARAM, ADVOCATE IN SR No. 54596, 54594/16
AM

TE/SK-SKN : 04/10/2016 : 2P/6C

Crl.O.P(MD)Nos.17913 & 17927 of 2016 and
CRL.M.P(MD)Nos.8926 & 8927 of 2016
Crl.M.P(MD)No.8928 & 8929 of 2016
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