

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.7547 of 2012

ORDER:

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This Criminal Petition under Section 482 of Cr.P.C. is filed by the sole accused to quash the proceedings in C.C.No.1320 of 2011 pending on the file of Judicial Magistrate of First Class at Jangareddygudem, West Godavari District for the offence under Section 9-B(1)(b) of Explosives Act, 1884.

The main ground on which the learned counsel for the petitioner seeks to quash the impugned proceedings is that the entire charge sheet is filed only on the basis that at the time of recovery of Electrical Detonators on 13.8.2010, the petitioner does not possess a valid licence. The learned counsel for the petitioner submitted that the licence of the petitioner was expired on 31.3.2010 but he application filed on 9.2.2010 with the officials was pending by the time of inspection.

Heard and perused the material available on record.

It is true that a search was conducted by the officials on 13.8.2010. But it is informed by the petitioner that he made an application on 9.2.2010 seeking extension of licence but however, the same is not decided by the competent authority. Under the provision under Section 112 of Rules of Explosive Substances Act, if an application is made prior to the expiry of the licence, till the extension or rejection orders passed by the authorities concerned, the licence that was already issued presumed to be in existence. In the present case also, the learned counsel substantiated that the licence already issued in favour of the petitioner was in force during the search made by the authorities concerned. Considering the submission of the

learned counsel for the petitioner and after analyzing the provisions of the Explosives Act, this Court is of the view that the impugned proceedings as against the petitioner are liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in C.C.No.1320 of 2011 pending on the file of Judicial Magistrate of First Class at Jangareddygudem, West Godavari District are hereby quashed as against the petitioner herein.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

04th August, 2016

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