

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3620 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in CC.No.355 of 2007 on the file of the Judicial First Class Magistrate, Husnabad.

2. Heard counsel for the petitioners and the learned Public Prosecutor, who takes notice for the respondent.

3. A charge sheet was laid against the petitioners, who are A1 and A2, for the offence under Section 9 (B)(1)(b) of the Explosives Act, 1884 (for short 'the Act'). The allegations are that on 13.04.2006, the accused were in unlawful possession of explosive material without any licence or permission and the explosives seized from them are 1) 200 numbers Electric Detonators; 2) 600 numbers Ordinary Detonators; 3) Twelve bundles of Safety Fuse (Each bundle 7 meters); 4) One Exploder and 5) one drilling jack.

4. The counsel for the petitioners submits that the accused has license for possession of the explosives, which were seized from them. A copy of the licence dated 05.02.2006, is also furnished along with the record, which shows that it is valid till 02.03.2008 and it also covered all the above said material. The petitioners also produced a copy of the license dated 16.06.2008 issued for the period ending 31.03.2010.

5. Apart form the allegation that they are in possession of the above material, there is no other allegation that the petitioners are in

possession of the explosive material other than that covered by the license. Hence, when the petitioners are in possession of valid license, it cannot be said that they are in illegal possession of the explosives. Hence, continuation of further proceedings in the above CC would only be a futile exercise, resulting in abuse of process of law and wastage of Court's time.

The criminal petition is allowed and proceedings in CC.No.355 of 2007 on the file of the Judicial First Class Magistrate, Husnabad are hereby quashed against the petitioners. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 4, 2017
DSK

T. RAJANI, J

