

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.709 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings in C.C.No.327 of 2017 on the file of the Additional Judicial First Class Magistrate at Sathupally, Khammam District, registered for the offence punishable under Section 9-B(1)(b) of the Explosives Act, 1884.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that the petitioner has licence to store crackers and he has accordingly stored them. The allegations do not constitute offence under Section 9-B(1)(b) of the Explosives Act, 1884 and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the relief sought for by the petitioner/accused.

5. The material on record reveals that the petitioner/accused obtained licence and as per proceedings, dated 28.10.2016, he has to store the crackers at Satha Market area, Bhadrari District, Telangana State, whereas, the alleged seizure was made from Tunikaku Godown situated at the outskirts of Aswaraopet village. Thus, the place of alleged seizure is distinct from the place

mentioned in the licence. Under these circumstances, it cannot be said that the petitioner/accused is innocent and continuation of proceedings would be abuse of process of law. The matter requires examination. Continuation of proceedings would not amount to abuse of process of law.

6. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

31st January, 2018
Bvv

