

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8805 OF 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are A1 to A3, in C.C.No.207 of 2009 on the file of the court of Additional Judicial Magistrate of First Class, Addanki. The offences alleged are under Section 9(B)(1) of the Explosives Act, 1884.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that Ammonium Nitrate was stored in the site of the petitioners. The counsel for the petitioners relies on an order of this court passed in CrI.P.No.3565 of 2008, dated 07.07.2008, which is also on the similar facts as that of this case, and the same was allowed quashing the proceedings against the petitioner therein. He also relies on a judgment of this court reported in *O.Sudheer Reddy v. State*¹, which is also on the same lines, wherein it was held that the Ammonium Nitrate does not attract the provisions of the Explosives Act. It was observed that the letter from the Deputy Chief Controller of Explosives, Hyderabad shows that the storage, sale and transportation etc., of Ammonium Nitrate does not attract the provisions of the Act and the Rules framed thereunder and no licence was obligatory for the same under the said Rules. It was also observed that the Additional Public

¹ 2010(2) ALT (CrI.) 139 (AP)

Prosecutor, after due instructions, submitted that Ammonium nitrate is not an explosive.

4. Hence, in view of the above, this court opines that no purpose would be served in allowing the proceedings to go on.

5. With the above observations, the Criminal Petition is allowed and the further proceedings in C.C.No.207 of 2009 on the file of the court of Additional Judicial Magistrate of First Class, Addanki, against the petitioners, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 25, 2018
LMV



T.RAJANI, J