

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26412 of 2019

and

Crl.MP.Nos.14119 & 14120 of 2019

Sammantham

...Petitioner/Accused

Vs

State rep by

The Inspector of Police,
Tindivanam Police Station,
Villupuram District.

Crime No.322 of 2019

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in S.T.C.No.400 of 2019 on the file of the learned Judicial Magistrate No.1, Tindivanam, Villupuram District for the offence under Section 9(B) (1) (b) of Explosives Act and quash the same.

For Petitioner : Mr.C.Mohan Raj

For Respondent : Mr.V.Saratha Devi
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed seeking to call for the records in S.T.C.No.400 of 2019 on the file of the learned Judicial Magistrate No.1, Tindivanam, Villupuram District for the offence under Section 9(B) (1) (b) of the Explosives Act and quash the same.

2.The petitioner herein has been arrayed as an accused for the offence under Section 9(B) (1) (b) of the Explosives Act, 1884 on the charge that he was found in possession of certain fire crackers at Nehru Street, Tindivanam, without valid licence. It is seen that the petitioner earlier had valid licence for possessing and selling fire crackers for the period commencing on 01.11.2018. The said valid licence stands in the name of petitioner's son. Thereafter, the petitioner herein has sought for renewal of the licence, pursuant to which the Sub

Collector had also passed an order on 10.10.2018 recommending for issuance of such license. Along with the application for licence, the petitioner had also included the No Objection Certificate dated 07.09.2018 from the Fire Department as well as the Field Reference Report dated 08.10.2018 issued by Sub-Collector, Tindivanam was also obtained. When the application for renewal was pending before the concerned authority, it is now alleged that he did not have a valid licence. The delay in issuing the renewal order cannot be put against the petitioner herein. As such, unless and until, the petitioner's application is rejected, it can be deemed in that application for renewal is being under active consideration. In this background, the charge against the petitioner that he did not possess the valid licence, cannot be sustained. While that being so, it would not be appropriate to permit the petitioner herein, to undergo the ordeal of a criminal trial.

3. In the light of the above observations, the impugned proceedings in S.T.C.No.400 of 2019 on the file of the learned Judicial Magistrate No.1, Tindivanam, Villupuram District stands quashed. The Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vkr

To

1.The Judicial Magistrate No.1,
Tindivanam, Villupuram District.

2.do-thro'The Chief Judicial Magistrate,
Villupuram.

3.The Inspector of Police,
Tindivanam Police Station,
Villupuram District.

4. The Additional Public Prosecutor,
High Court of Madras.

+1cc to M/s.C.Mohan Raj, advocate SR.85783

Cr1.O.P.No.26412 of 2019

and

Cr1.MP.Nos.14119 & 14120 of 2019

PPA (CO)

CB(22/11/2019)