



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.18118 of 2021

Appukuttan

... Petitioner/Accused No.5

vs.

1.The State,

Rep.by its Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.332 of 2012)

...Respondent/Complainant

2.Suki Premala,

Taluk Supply Officer,
Vilavancode,
Kanyakumari District.

...Defacto Complainant/
Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.Pc to call for the records relating to SC No.142 of 2017 on the file of the Additional District Court (Sub Court), Kuzhithurai in Crime No.332 of 2012 on the file of the first respondent and quash the same against the petitioner.

For Petitioner	:	Mr.S.Sivakumar
For Respondents	:	Mr.T.Senthilkumar, Additional Public Prosecutor

ORDER

The petitioner is facing trial in SC No.142 of 2017 on the file of the Additional District Court (Sub Court), Kuzhithurai for the offences under Sections 353 and 307 of IPC and Section 9(B)(1)(b) of Indian Explosives Act, 1884. The case of the prosecution is that on 21.06.2012, when the vehicle bearing Registration No.TN 02 R 8825 was intercepted, the first accused Saji was ordered to stop and that without stopping the vehicle, he had sped past and in the process, he had attempted to murder the Special Sub Inspector of Police David Raj. A1 was detained and the vehicle was seized with 30 bags containing each 50 kgs of Ammonium Nitrate. The investigation revealed that the contraband was purchased from the petitioner herein.



2. When the matter was taken up for hearing, the learned counsel for the petitioner drew my attention to the order dated 30.10.2019 made in CrI OP(MD)No.14481 of 2015 wherein I had followed an order dated 06.12.2018 in CrI OP No.8341 of 2017. It was held therein that Ammonium Nitrate is not an explosive substance and that it is not an offence to possess it under Section 9(B) of the Explosives Act.

3. The case on hand is squarely covered by the aforesaid order. Therefore, the impugned proceedings are quashed as far as the petitioner is concerned. The criminal original petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

2. Taluk Supply Officer,
Vilavancode, Kanyakumari District.

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-37730[F] dated 08/12/2021)

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