



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.617 OF 2021

APPLICANT(S) : 1) **Yuvraj S/o Udhav Nakhle,**
Aged 42 years, Occ.
Business/Agriculturist, R/o. Ghota, Post
Varha, Tah. Tiosa, District -Amravati.

..VERSUS..

NON-APPLICANT(S) : 1) **The State of Maharashtra**
Through Police Station Officer, Police
Station Kurha, Amravati (Rural) Distt.
Amravati.

Mr. T.U. Tathod, Advocate for Applicant/s.
Mr. K.R. Lule, APP for the non-applicant/State

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 10.06.2025

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. This is an application filed under Section 482 of the CrPC for quashing and setting aside the charge-sheet No.70 of 2024 dated 14.06.2024 filed in Regular Criminal Case No.90 of 2024 arising out of the First Information Report (FIR)

No.127 of 2021 dated 17.05.2021, registered with Police Station Kurha, Amravati (Rural) for the offences punishable under Sections 109, 286 of the IPC and under Sections 5, 9(B) (1) of the Explosive Substance Act, 1908.

4. It is alleged that the complainant Vijay Garad was working as Police Sub Inspector at Local Crime Branch, Amravati and when he was on duty on 16.05.2021, during patrolling he received a secret information that the present applicant stored huge quantity of explosive substance at his godown situated in the agriculture field. Thereupon, they made search whereupon they found one tractor Mahindra Arjun, along with blasting machine, having registration No.MH-27-U-9603. Further, they found seven boxes gelatin sticks of super power-90 company total quantity of 1300 gelatin sticks and also found 835 numbers of detonator solar of AED Ultra Safe Company in 17 different packets.

5. It is stated in the complaint that since no licence was possessed by the applicant to store or possess such explosive substance, the complaint came to be made and thereupon, the

crime was registered against the applicant.

6. Thus, it is evident that the primary allegations are of possessing explosive substance without licence. Whereas, the applicant has filed on record copy of licence.

7. The competency certificate dated 23.11.2016 shows that till 23.11.2021 the applicant was permitted to carry out blasting of explosive substance. This shows that on the date of search, the applicant had competency certificate to carry out blasting and possessing explosive substance.

8. The licence is produced on record in relation to the vehicle involved in the present matter i.e. MH-27-U-9603. The licence is dated 15.06.2017 issued under Article IV of Part I of Schedule IV of the Explosive Rules 2008. The licence is in the name of the present applicant.

9. The said licence mentions the quantity permissible to be purchased. Clause (3) of the licence further makes it clear that the applicant can purchase 15 times of the quantity mentioned in the licence.

10. Admittedly, the quantity, which was found and

seized from the applicant, was much less than the quantity permissible to be purchased in a calendar month.

11. In the circumstances, the basis on which the complaint came to be lodged itself does not survive sustain in view of the fact that the applicant possesses the competency certificate as well as the licence to purchase the explosive substances.

12. In the circumstances, if the trial Court is permitted to continue, it would be an abuse of process of law. Hence, though the learned Addl. PP strongly opposed the application, we are of the considered view that this is a fit case for quashing and setting aside the charge-sheet against the applicant. Accordingly, we pass the following order:

- (i) The application is **allowed**.
- (ii) The charge-sheet No.70 of 2024 dated 14.06.2024 filed in Regular Criminal Case No.90 of 2024 arising out of the First Information Report (FIR) No.127 of 2021 dated 17.05.2021, registered with Police Station Kurha, Amravati

(Rural) for the offences punishable under Sections 109, 286 of the IPC and under Sections 5, 9(B)(1) of the Explosive Substance Act, 1908, is hereby quashed and set aside, against the present applicant.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)