

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOMAS P.JOSEPH

THURSDAY, THE 30TH JUNE 2011 / 9TH ASHADHA 1933

CrL.MC.No. 1987 of 2011()

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(AGAINST THE FIR No.851/09 OF PANDALAM POLICE STATION)**

PETITIONER(S):

**M.K.ASOKAN,
LAKSHMI BHAVANAM,
MUDIYOORKONAM P.O., PANTHALAM,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.JEEVAN MATHEW MANAYANI

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
PANTHALAM.**
- 2. STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. B. JAYASURYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/06/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX:

PETITIONER'S ANNEXURES:

- ANNEXURE A1:** TRUE COPY OF THE LICENCE ISSUED BY THE PANTHALAM GRAMA PANCHAYAT FOR THE YEAR 2009-2010.
- ANNEXURE A2:** TRUE COPY OF THE LICENCE ISSUED BY THE PANTHALAM GRAMA PANCHAYAT FOR THE PERIOD 31.3.2009.
- ANNEXURE A3:** TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE ASSISTANT DIVISIONAL OFFICE, FIRE RESCUE SERVICE PATHANAMTHITTA.
- ANNEXURE A4:** TRUE COPY OF THE FIRST INFORMATION REPORT DATED 16.10.2009 IN F.I.R.No.851.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

Kp/

THOMAS P.JOSEPH, J.

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Crl. M.C. No.1987 of 2011

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Dated this the 30th day of June, 2011

ORDER

Petitioner is accused in Crime No.851 of 2009 of Pandalam Police Station for offence punishable under Section 5 read with Sec.9(B)(1)(b) of the Explosives Act, 1884 (for short, "the Act"). Allegation is that without proper authority petitioner kept in his possession, at his residence crackers which was detected on 16.10.2009 at about 2.00 p.m. Petitioner seeks to quash proceedings against him on the ground that he has obtained necessary licences, etc., from the local authority. I have heard learned Public Prosecutor also. Learned counsel submitted that in the light of Annexures-A1 and A2, licences and Annexure-A3, no objection certificate issued by the Assistant Divisional Officer, Pathanamthitta petitioner was entitled to possess crackers and hence no offence as alleged is committed. It is submitted by learned Public Prosecutor that the matter is under investigation.

2. It is for the Officer who is investigating the case to look into whether Annexures-A1 to A3 are sufficient authority for petitioner to possess crackers under law in force or whether any other permission/licence was also required. Certainly, the

Investigating Officer has to look into the licences which petitioner claimed to have obtained from the local authority.

Without prejudice to the right of petitioner to challenge the final report if any that may be filed against him in case circumstances warranted, this Criminal Miscellaneous Case is closed.

THOMAS P. JOSEPH, JUDGE.

VSV