

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR**

Present: Kum. Lakshmipriya. T.K.,
Judicial First Class Magistrate.

Wednesday, the 29th day of April, 2026/09th day of Vaisakha, 1948

CALENDER CASE No.207/2019

Complainant : The SHO, Peringome Police Station,
Crime No.277/18

(By APP Grade – I, Payyannur)

Accused : Rajeevan, S/o Govindan, Aged 48/18,
Koyi House, Nareekkamvalli. Now residing
at Vellora amsom, Kayapoyil.

(By Adv. Sri. C. Narayanan Nair)

Offence : U/s 286,337, 338 of IPC & Section 9(B)(1)
(b) of Explosive Substances Act.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : (i) Accused is acquitted u/s 248(1) of
Cr.P.C.

(ii) MO1 (RP 649/18), being valueless shall
be destroyed after the expiry of the
appeal period.

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& No. Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Peringome, Cr.No.277/18	Rajeevan	Govindan	Vellora	48/18

Date of:

1. Occurrence	: 21.09.2018
2. Complaint	: 23.09.2018
3. Apprehension	: 05.08.2021
4. Release on bail	: 05.08.2021
5. Commitment	: ...
6. Commencement of trial	: 05.08.2021
7. Commencement of evidence	: 29.01.2026
8. Close of trial	: 28.04.2026
9. Sentence or order	: 29.04.2026
10. Service copy of judgment	: Copy is ready
11. Explanation for delay	: No delay
12. Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 CrPC	: ...

This case came up for consideration during today's proceedings and the court delivered the following:

J U D G M E N T

This is a case instituted upon final report filed by Sub Inspector of police Peringome PS in Cr. No. 277/18 for the offence punishable u/s 286,337, 338 of IPC & Section 9(B)(1) b of Explosive Substances Act.

2. **Prosecution case in brief is as follows:** On 21.09.2018 at 18.30 hours at Chembullanji in Vellora amsom, the accused was stored explosive substances, which endanger human life, in his rented house building No. EKP VIII/260 for the purpose of construction of a well in violation of the existing section 9-B(1)(b) of Explosive Act without having a valid licence. When CW1 & CW2 along with others cleaning the above said house and fire the waste articles, the explosive substances and explosive substance ignited and the fire

spread and as a result of the fire CW1 sustained simple injury and CW2 sustained grievous injury in the incident. Thereby the accused committed the aforesaid offences.

3. On appearance of the accused he is released on bail. Copies of all relevant prosecution records were furnished to him u/s 207 Cr PC. Particulars of offences were stated to him to which he pleaded not guilty and claimed to be tried.

4. In order to prove the prosecution case, PW1 was examined and Ext.P1 to P12 and MO1 were marked. PW1 is the official witness. CW1 to CW4, the material witnesses, did not turn up before the Court in spite of coercive steps taken against them. Since there is no material evidence, the learned Asst. Public Prosecutor rightly given up the remaining witnesses and the prosecution evidence closed. Since there is no incriminating circumstance against the accused, the questioning of the accused u/s 313 CrPC dispensed with. No evidence was adduced from the side of defence.

5. Heard both sides.

6. Point arise for consideration:

1) Whether accused used the explosives so rashly or negligently so as to endanger the life of CW1 & CW2 or to be likely to cause hurt or injury to any other person and thereby committed the offence u/s 286 of IPC?

2) Whether the accused handling the explosive substances in a rash or negligent manner and caused hurt by an act which endangers human life

and thereby attract the offence punishable under section 337 of IPC?

3) Whether the accused has handling the explosive substances in a rash or negligent manner and caused grievous hurt to PW1 and thereby committed the offence u/S 338 of IPC?

4) Whether the accused in violation of the existing section 9-B(1)(b) of Explosive Act stored the explosive substance in his rented house without having a valid licence and thereby committed the offence punishable u/s 9-B(1)(b) of Explosive Act ?

5) If so , what is the proper order or sentence?

7. **Point Nos.1 to 4** : These points are considered together for the sake of convenience. PW1 is the Sub inspector of Peringome Police station who deposed that on 24.09.2018 he taken over the investigation of the crime No.277/18 and prepared the scene mahazar from the place of occurrence which is marked as Ext.P1. He further deposed that he has seized some remnants of wick and ash portion in a plastic dubba, wrapped in paper, tied with thread and sealed in SHO's symbol and he produced the same before the court as per property list. Property list is marked as Ext.P2 and the plastic dubba and ash and wick is marked as MO1 and the label containing name and signature of the witnesses and him were put in the MO1 which is marked as Ext.P3. He further submitted that he has produced a report for adding section 9(B) (1)(b) of explosive substances act which is marked as Ext.P4 and the correction report of section 286 CrPC to 286 of IPC is marked as Ext.P5,

forwarding note is marked as Ext.P6 and the report received from Dr. Sachidanandan, Asst. Director, Explosive forensic science laboratory, Thiruvananthapuram is marked as Ext.P7. The section 337 & 338 of IPC adding report is marked as Ext.P8 and he has recorded the statement of CW1 to CW9 and he has produced the wound certificate of CW1 & CW2 from CW9 which are marked as Ext.P9 and Ext.P9(a). The name and address report of the accused is marked as Ext.P10 and he has completed the investigation and filed charge sheet against the accused. He further deposed that Grade ASI 4433 Ramesan A V has recorded the statement of CW1 and registered the crime and he is working along with Ramesan and he has known the handwriting and signature of him. FIS recorded by Ramesan is marked as Ext.P11 and the FIR is marked as Ext.P12.

8. CW1 to CW4, the material witnesses, did not turn up before the Court in spite of coercive steps taken against them. Since there is no material evidence, the learned Asst. Public Prosecutor rightly given up the remaining witnesses. PW1 is the Investigating officer who deposed the roles played by him at the time of investigation. None of the witnesses were deposed infavour of prosecution before the court about the identity of the accused or about the negligence of the accused. Thus, according to the court prosecution is failed to prove the guilt of the accused beyond reasonable doubt and therefore these points are answered against the prosecution.

9. **Point No.5:** In view of my finding on points No.1 to 4, accused is found not guilty of the offence punishable u/s. 286,337, 338 of IPC & Section 9(B)(1) (b) of Explosive Substances Act.

In the result,

(i) Accused is acquitted u/s 255(1) of CrPC of the offence punishable u/s. 286,337, 338 of IPC & Section 9(B)(1) (b) of Explosive Substances Act and accordingly his bail bond stands cancelled and he is set at liberty.

(ii) MO1 (RP 649/18), being valueless shall be destroyed after the expiry of the appeal period.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 29th day of April, 2026)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:

WITNESSES FOR THE PROSECUTION

PW1 Sajith Investigating officer

EXHIBITS FOR THE PROSECUTION

Ext.P1/PW1 Scene mahazar dtd. 24.09.18

Ext.P2/PW1 Property list dtd. Nil.

Ext.P3/PW1 Label in the bottle dtd.

Ext.P4/PW1 Section 9(B)(1)(b) of Explosive Substances Act
adding report dtd. Nil

Ext.P5/PW1	Correction report dtd. Nil.
Ext.P6/PW1	Forwarding note dtd. Nil.
Ext.P7/PW1	F S L report dtd. 30.09.19
Ext.P8/PW1	Section 337 & 338 of IPC adding report dtd. Nil.
Ext.P9/PW1	Wound certificate of Madhavan dtd. 01.11.18
Ext.P9(a)/PW1	Wound certificate of Gracy dtd. 01.11.18
Ext.P10/PW1	Name and address report of accused dtd. Nil.
Ext.P11/PW1	F I Statement dtd. 23.09.18
Ext.P12/PW1	F I Report dtd. 23.09.18

MATERIAL OBJECTS MARKED :

MO1 : Plastic bottle

WITNESSES FOR THE DEFENCE : Nil

EXHIBITS FOR THE DEFENCE : Nil

MATERIAL OBJECTS MARKED : Nil

Sd/-

Judicial First Class Magistrate,
Payyannur.

//True copy//

Judicial First Class Magistrate,
Payyannur.