

Paleti Siva Nagaraju vs The State Of Andhra Pradesh on 28 January, 2021

Author: Cheekati Manavendranath Roy

Bench: Cheekati Manavendranath Roy

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.382 of 2021

ORDER:

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This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is filed seeking release of the products that were seized from the possession of the petitioner at the time of registration of crime against him.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The petitioner is the sole accused in Crime No.328 of 2020 of Eluru I Town Police Station, West Godavari district, registered for the offences punishable under Sections 270, 273 IPC, Section 22 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short "COTP Act") and Section 26(2)(iv) of the Food Safety and Standards Act, 2006 (for short "F.S.S. Act"). When the petitioner sought quash of the said F.I.R before this Court in Criminal Petition No.6183 of 2020, the same was quashed by this Court. Therefore, the petitioner is entitled for recovery of the products that were seized from his possession during the course of investigation.

5. In the result, the Criminal Petition is allowed. The Station House Officer of Eluru I Town Police Station, West Godavari district, is hereby directed to return the products that were seized from the possession of the petitioner in the above crime on proper identification and acknowledgement.

Miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

----- JUSTICE CHEEKATI
MANAVENDRANATH ROY Date: 28-01-2021 AKN THE HON'BLE SRI JUSTICE CHEEKATI
MANAVENDRANATH ROY CRIMINAL PETITION No.382 of 2021 Date: 28-01-2021 AKN