

Bheemunipalli Naga Subbaiah vs The State Of Andhra Pradesh on 15 February, 2023

Author: R Raghunandan Rao

Bench: R Raghunandan Rao

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.Crl.P.No.9798 of 2022
PROCEEDING SHEET

Sl.

ORDER

Office

No DATE
02 15.02.2023 RRR, J

Note

I.A.No.1 of 2023
(On being mentioned)

This Court by an order dated 08.12.2022 had quashed S.C.No.177 of 2022 on the file of the Judicial Magistrate of First Class, Nandyal, Kurnool District. The order had recorded that cognizance had been taken in the case under Sections 188 and 273 read with section 34 of Indian Penal Code and Section 59 (1) of the Food Safety and Standards Act, 2006.

It appears that S.C.No.177 of 2022 is on the file of II Additional Assistant Sessions Judge, Nandyal, for the aforesaid offences and for an offence under Section 328 of Indian Penal Code.

The II Additional Assistant Sessions Judge, Nandyal, had pointed out that the order of this Court had quashed a case before the Judicial Magistrate of First Class and not the case before the II Additional Assistant Sessions Judge, Nandyal.

In these circumstances, the petitioner has approached this Court for clarification of the said order.

Contd...

As sale of tobacco products cannot be treated as a Criminal offence in any of the aforesaid provisions, it would be appropriate to modify the order of this Court dated 08.12.2022 in Crl.P.No.9798 of 2022 so as to quash S.C.No.177 of 2022 on the file of II Additional Assistant Sessions Judge, Nandyal, for the offence under Section 328 of Indian Penal Code and Section 59 (1) of Food Safety and Standards Act, 2006. In any event, since the entire case is being quashed, the question of whether any provisions of law are included or not would be redundant.

_____ RRR, J RKS