

Amara Bala Krishna vs The State Of Andhra Pradesh on 5 July, 2022

Author: Ninala Jayasurya

Bench: Ninala Jayasurya

HON'BLE SRI JUSTICE NINALA JAYASURYA

CRIMINAL PETITION No.4712 OF 2022

Between: -

Amara Bala Krishna

... Petitioner/Accused

and

The State of Andhra Pradesh represented by

Represented by its Public Prosecutor.

... Respondent

Counsel for the petitioners : Mr.Raja Reddy Koneti

Counsel for the respondent : The Public Prosecutor

ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor representing the respondent.

2. The present Criminal Petition has been filed seeking to quash the proceedings against the petitioner in Crime No.500 of 2021 on the file of Ongole I-Town Police Station, Prakasam District registered for the offences punishable under Section 272 of the Indian Penal Code, 1860, Section 20(2), 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 59 of the Food Safety and Standards Act, 2006, and consequently direct the concerned Station House Officer to return the tobacco products seized in connection with the Crime.

3. The learned counsel for the petitioner while placing reliance on the decision of this Court in Criminal Petition No.3731 of 2018 and batch, dated 27.8.2018, submits that the matter is squarely covered by the said decision and the present Criminal Petition deserves to be allowed by quashing the proceedings against the petitioner.

4. The learned Additional Public Prosecutor fairly submits that the matter is covered by the common order passed in Criminal Petition No.3731 of 2018 and batch, dated 27.8.2018.

5. This Court has considered the submissions made by the learned counsel for both sides. A reading of the copy of the F.I.R., filed along with the material papers would clearly show that the Police have suo motu registered the Crime against the petitioner in this case.

6. Since the present case is squarely covered by the decision in Criminal Petition No.3731 of 2018 and batch dated 27.8.2018, for the reasons alike, the Criminal Petition is allowed, quashing the proceedings against the petitioner in Crime No.500 of 2021 on the file of Ongole I-Town Police Station, Prakasam District. As the offences registered against the petitioner are quashed, the tobacco products seized in connection with the Crime shall be returned. Miscellaneous applications, pending if any, shall stand closed.

_____ NINALA JAYASURYA, J July 05, 2022.

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