

Patnana Suresh Kumar vs The State Of Andhra Pradesh, on 5 August, 2021

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.4417 OF 2021

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 seeking a direction to the Station House Officer, Palakonda Police Station, Srikakulam District concerned to release all the tobacco products seized in connection with Crime No.177 of 2018.

2. The above said crime has been registered against the petitioners under Sections 188, 270, 272, 273, 328 r/w 34 of the Indian Penal Code, 1860 and under Sections 57(1), 58, 59 r/w 30(1) of the Food Safety and Standards Act, 2006 on the allegation of illegal possession and transportation of prohibited and noxious food material branding as Gutka, Khaini and Pan Masala of 13 bags worth of Rs.1,85,700/-. Subsequent to registration of the crime, the petitioners approached this Court by way of filing Criminal Petition No.2332 of 2021 with a prayer to quash the F.I.R. and the same was allowed vide order dated 15-04-2021, as such the petitioners are entitled for return of tobacco products. Hence, the present criminal petition is filed.

3. Heard Ms. M.Vinodin Ruth, learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-state.

4. Learned counsel for the petitioners submits that Section 451 Cr.P.C. applies for return of the property pending investigation, Section 452 applies to a case where trial is concluded and Section 457 of Cr.P.C. applies where the property is not produced during trial. The said sections do not apply to the present case, as far as tobacco products are concerned as the crime is quashed with regard to offences under the above provisions, as such the petitioners are entitled for return of tobacco products.

5. Learned Assistant Public Prosecutor does not dispute the above submissions.

6. Therefore, taking into consideration that the above F.I.R. has been quashed by this Court by order dated 15-04-2021 passed in Criminal Petition No.2332 of 2021 for the offences mentioned above, the property that was seized from the petitioners herein in connection with the said Act is liable to be returned to them.

7. Accordingly, the Criminal Petition is allowed and the Station House Officer, Palakonda Police Station is directed to release all the tobacco products seized in connection with Crime No.177 of 2018.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE LALITHA KANNEGANTI Date:
05.08.2021 ARR THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI (Allowed) CRIMINAL
PETITION No.4417 of 2021 Date: 05.08.2021 ARR