

Rupineni Venkata Krishna Rao vs The State Of Andhra Pradesh on 1 April, 2021

Author: R. Raghunandan Rao

Bench: R. Raghunandan Rao

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CRIMINAL PETITION No.1394 of 2021

ORDER:

The petitioner is accused No.13 in Crime No.72 of 2018 of Peddaraveedu Police Station, Prakasam District registered under Sections 120B, 353, 273, 188, 420 r/w 34 of IPC and Section 20B of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 59 and 63 of Food Safety and Standards Act, 2006.

2. In view of the Judgments of this Court in CrI.P.No.5421 of 2019 and batch dated 18.12.2019, a learned Single Judge of this Court had held that tobacco does not fall within the definitions of "food" and as such, registration of Crime under the Food Safety and Standards Act, 2006 is not permissible.

3. In W.P.No.3731 of 2018 and batch dated 27.08.2018, a learned Single Judge of this Court had held that the police would not have jurisdiction to initiate or investigate any offences punishable under the provisions of the Food Safety and Standards Act, 2006. A learned Single Judge had also held that transport or storage of tobacco and tobacco products would not constitute an offence punishable under Sections 270 to 273 of IPC.

4. The offence against the petitioner under Sections 353, 273, 188 and 420 r/w 34 of IPC along with Sections 59 and 63 of Food Safety and Standards Act, 2006 would not be maintainable and the same requires to be quashed. However, 2 RRR,J the offence under Section 20B of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 120B of IPC cannot be quashed at this stage, in view of the allegations in the complaint and other related documents in the case.

5. Accordingly, this criminal petition is partly allowed to quash the Sections 353, 273, 188 and 420 r/w 34 of IPC along with Sections 59 and 63 of Food Safety and Standards Act, 2006 against the petitioner herein in Crime No.72 of 2018 of Peddaraveedu Police Station, Prakasam District, while leaving it open to the investigation officer to continue investigation and further proceedings in relation to under Section 20B of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 120B of IPC in Crime No.72 of 2018 of Peddaraveedu Police Station, Prakasam District.

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

_____ R. RAGHUNANDAN RAO, J.

01.04.2021 SDP 3 RRR,J THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO CRIMINAL
PETITION No.1394 of 2021 Date : 01-04-2021 SDP