

# Kona Naga Ravi Kumar, vs The State Of Andhra Pradesh on 24 March, 2021

**Author: R. Raghunandan Rao**

**Bench: R. Raghunandan Rao**

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CrI.P.No.1881 of 2021

ORDER:

A Crime in F.I.R No.60 of 2019 of Duvvada Police Station, Visakhapatnam City, has been registered against the petitioner for the offences under Sections 188, 272, 273, 328 of IPC and Section 20(i) of COTPA Act, 2003 on the ground that the petitioner was caught while transporting tobacco and tobacco products in a vehicle bearing registration No.AP 31 TP 5017, and same is numbered as C.C.No.969 of 2019 on the file of VIII Additional Chief Metropolitan Magistrate, Visakhapatnam, at Gajuwaka.

The cases are being booked against persons, who are found to be either storing or transporting tobacco and tobacco products, in the State of Andhra Pradesh. The persons, who are facing such cases, have been approaching this Court for relief.

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. The 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.

In view of the aforesaid findings, which are being consistently followed by this Court, this criminal petition is allowed quashing the proceedings in C.C.No.969 of 2019 on the file of III Additional Chief Metropolitan Magistrate, Visakhapatnam at Gajuwaka, with a direction to 2 RRR,J return the seized tobacco and tobacco products and the vehicle bearing registration No. AP 31 TP 5017 to the petitioner.

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

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R. RAGHUNANDAN RAO, J.

24th March, 2021 Js.

3 RRR,J HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO Criminal Petition No.1881 of 2021 24th March, 2021 Js.