

Taneeru Kameswara Rao vs State Of Ap on 24 March, 2021

Author: R. Raghunandan Rao

Bench: R. Raghunandan Rao

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CrL.P.No.1899 of 2021

ORDER:

A Crime in F.I.R No.133 of 2021 of Buchireddypalem Police Station, SPSR Nellore District, has been registered against the petitioner for the offences under Sections 272, 273, 328 of IPC and Sections 22, 23 read with Section 5(1) of COTPA Act, 2003 on the ground that the petitioner was in possession of tobacco and tobacco products stored in the room of the petitioner.

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 Crime No.133 of 2021 of Buchireddypalem Police Station, SPSR Nellore District, with a direction to return the seized tobacco and tobacco products to the petitioner.

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

_____ R. RAGHUNANDAN RAO, J.

24th March, 2021 Js.

3 RRR,J HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO Criminal Petition No.1899 of 2021 24th March, 2021 Js.