Pendyala Chandrasekhar vs The State Of Andhra Pradesh on 16 November, 2022

Author: R. Raghunandan Rao

Bench: R. Raghunandan Rao

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CRIMINAL PETITION No.9050 of 2022

ORDER:

The petitioners are arrayed as accused Nos. 1 & 2 in C.C.No.40 of 2019 on the file of the Additional Junior Civil Judge, Repalle, Bapatla District, for offences under Sections 188, 120-b, 273 & 420 r/w. 34 of Indian Penal Code and Section 59 (i) & 63 of Food Safety Standards Act, 2006 on the ground that the petitioners were caught by storing tobacco and tobacco products.

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

3. In Crl.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.

4. In W.P.No.3731 of 2018 and batch dated 27.08.2018, a learned Single Judge of this Court had held the police would not have jurisdiction to initiate or investigate any offences punishable under the provision 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 Indian Penal Code.

5. In view of the aforesaid findings which are being consistently followed by this Court, this Criminal Petition is allowed quashing the C.C.No.40 of 2019 on the file of the Additional Junior Civil Judge, Repalle, Bapatla District, against the petitioners. There shall be no order as to costs.

Miscellaneous petitions, pending if any, in this Criminal Petition shall stand closed.

_____ R. RAGHUNANDAN RAO, J 16.11.2022 BSM HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO CRIMINAL PETITION No.9050 of 2022 16.11.2022 BSM