

Dukka Adinarayana vs State Of Andhra Pradesh on 4 March, 2022

Author: D.Ramesh

Bench: D.Ramesh

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION No.1507 of 2022

ORDER:

A Crime in F.I.R.No.166/2021 of Pusapatirega Police Station, Vizianagaram District, has been registered against the petitioner/A2 for the offences under Sections 188, 269 of IPC and Sections 22 read with 5(1) of COTPA Act, 2003.

2. 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.

3. In W.P.No.3731 of 2018 and batch dated 27.08.2018, learned Single Judge of this Court 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 also held that transport or storage of tobacco and tobacco products would not constitute an offence punishable u/Secs.188, 269 of IPC.

4. 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.166/2021 of Pusapatirega Police Station, Vizianagaram District, with a direction to return the seized tobacco and tobacco products, if any, to the petitioner.

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

JUSTICE D.RAMESH Date: 04.3.2022 RD THE HONOURABLE SRI
JUSTICE D.RAMESH CRIMINAL PETITION No.1507 of 2022 Dated 04.3.2022 RD