

Vakati Srinivasulu, vs State Of Andhra Pradesh, on 30 March, 2021

Author: R. Raghunandan Rao

Bench: R. Raghunandan Rao

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

Crl.P.No.1720 of 2021

ORDER:

The petitioner is accused in Crime No.235 of 2017 of Kavali II Town Police Station for the offences under Sections 353, IPC and Section 58 of the Food Safety & Standards Act, 2006 on the ground that the petitioner has stored tobacco and tobacco products stored in his house. After investigation the police had filed the charge sheet, which was numbered as C.C.No.230 of 2018 on the file of the Additional Judicial Magistrate of 1st Class, Kavali, SPSR Nellore District.

The petitioner now sought for quashing of C.C.No.230 of 2018 on the file of the Additional Judicial Magistrate of 1st Class, Kavali, SPSR Nellore District.

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 Crl.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 2 RRR,J proceedings in C.C.No.230 of 2018 on the file of the Additional Judicial Magistrate of 1st Class, Kavali, SPSR Nellore District with a direction to return the seized tobacco and tobacco products to the petitioner.

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

R. RAGHUNANDAN RAO, J.

30th March, 2021 Js.

3 RRR,J HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO Criminal Petition No.1720 of 2021 30th March, 2021 Js.