

Kajapuram Ramanjaneyulu vs The State Of Andhra Pradesh on 30 March, 2021

Author: R. Raghunandan Rao

Bench: R. Raghunandan Rao

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CRIMINAL PETITION No.2000 of 2021

ORDER:

A Crime in F.I.R.No.208 of 2017 has been registered in Eluru Rural Police Station, West Godavari District against the petitioners under Sections 270, 273, 188, 353 of IPC and Sections 58, 26(2)(iv) of Food Safety and Standards (FSS) Act, 2006 on the ground that the petitioners were caught in possession of tobacco and tobacco products. This is numbered as C.C.No.16 of 2021 on the file of Special Judicial First Class Magistrate-cum-Excise, Eluru.

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. 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 Clr.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. 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 IPC.

5. In view of the aforesaid findings which are being consistently followed by this Court, this criminal petition is allowed quashing F.I.R.No.208 of 2017 in Eluru Rural Police Station, West Godavari District and C.C.No.16 of 2021 on the file of Special Judicial First Class Magistrate-cum-Excise, Eluru 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 RJS.

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO Criminal Petition No.2000 of 2021 30th March, 2021 RJS.