

Tummalapenta Naga Pravallika vs The State Of Andhra Pradesh on 22 June, 2022

Author: Ninala Jayasurya

Bench: Ninala Jayasurya

HON'BLE SRI JUSTICE NINALA JAYASURYA

CRIMINAL PETITION No.4272 OF 2022

Between: -

Tummalapenta Naga Pravallika, W/o.Pradeep Kumar
and another

... Petitioners/Accused Nos.1 & 2

and

The State of Andhra Pradesh represented by
Represented by its Public Prosecutor.

... Respondent

Counsel for the petitioners : Mr.Raja Reddy Koneti

Counsel for the respondent : The Public Prosecutor

ORDER:

Heard the learned counsel for the petitioners and Mr.Sravan Kumar Naidana, learned Special Assistant Public Prosecutor representing the respondent.

2. The present Criminal Petition has been filed seeking return of the property seized from the petitioners in respect of Crime No.153 of 2022 on the file of Repalle Town Police Station, Guntur District registered against them for the offences punishable under Sections 273 and 420 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 58, 59 & 63 of Food Safety and Standards Act, 2006 (FSS Act).

3. The learned counsel for the petitioners inter alia submits that in so far as the said Crime is concerned, the same was quashed by order dated 15.6.2022 in Criminal Petition No.4049 of 2022. He further submits that despite quashing of the Crime, the Police have not returned the seized property i.e., tobacco products and under the said circumstances, the petitioners are constrained to file the present Criminal Petition. The learned counsel also submits that in similar circumstances a learned Judge in Criminal Petition No.4087 of 2020, dated 24.9.2020 directed release of the seized tobacco products considering the fact that the crime registered against the petitioner therein was quashed. In view of the said position, learned counsel submits that the present Criminal Petition deserves to be allowed.

4. The learned Special Assistant Public Prosecutor fairly submits that the matter is covered by the earlier order referred to supra.

5. This Court having considered the submissions and perused the material on record, in the light of the factual and legal position referred to supra, is inclined to allow the Criminal Petition.

6. Accordingly, the Criminal Petition is allowed. The Station House Officer, Repalle Town Police Station is directed to release the tobacco products seized in connection with Crime No.153 of 2022 dated 28.5.2022 in favour of the petitioners. Miscellaneous applications, pending if any, shall stand closed.

_____ NINALA JAYASURYA, J June 22, 2022.

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