

# Shaik Kalesha vs The State Of Andhra Pradesh on 5 August, 2022

**Author: D.Ramesh**

**Bench: D.Ramesh**

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION No.5965 of 2022

ORDER:

A Crime in F.I.R.No.104/2021 of Chejerla Police Station, Sri Potti Sri Ramulu Nellore District, has been registered against the petitioners/A1 and A2 for the offence under Sections 272, 273 IPC and Section 20(1) 22 r/w 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 under Sections 270 to 273 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.104/2021 of Chejerla Police Station, Sri Potti Sri Ramulu Nellore District, with a direction to return the seized tobacco and tobacco products to the petitioner.

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

\_\_\_\_\_  
JUSTICE D.RAMESH Date: 05.8.2022 RD THE HONOURABLE SRI  
JUSTICE D.RAMESH CRIMINAL PETITION No.5965 of 2022 Dated 05.8.2022 RD