

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.14564 of 2016

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against petitioner/A1 in C.O.R. No.263 of 2016 of Prohibition and Excise Station, Yellareddypet, registered for the offences punishable under Section 37(a) of Excise Act and Section 8(c) r/w. 22(c) of NDPS Act.

Heard and perused the material available on record.

Having regard to the facts and circumstances of the case and also as the offences alleged against petitioner/A1 are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioner/accused.

It is submitted by the learned counsel for petitioner that in the same crime, insofar as the non-petitioner/A2 is concerned, this Court, by order dated 02.09.2016, passed in CrI.P.No.13019 of 2016, directed the investigation to be proceeded with without arresting the non-petitioner/A2. In view of the said submission and as the petitioner herein is apprehending arrest in view of the pendency of the above crime, the police concerned are directed to complete the investigation into the crime without arresting the petitioner/A1 and file the final report, if any, in accordance with law. However, in the event of necessity, the police concerned are directed to issue notice to petitioner requiring him to appear before the investigating agency for the purpose of investigation and on issuance of such notice, the petitioner/A1 shall appear before the investigating agency and give an

undertaking as to his future appearance as and when required by the investigating agency for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, pending miscellaneous applications, if any, shall stand closed.

M.S.K.JAISWAL, J

13th October 2016

ajr

