

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.13027 OF 2016

ORDER:

This petition is filed by the petitioner-A2 under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.262 of 2016 on the file of Prohibition and Excise Station, Yellareddypet.

Heard and perused the material available on record.

It is alleged that the petitioner was found selling adulterated toddy.

Learned Counsel for the petitioner submitted that he was falsely implicated in the above crime and that he was not present at the scene of offence at the time of inspection of the premises and that the petitioner is not the owner of the shop inspected and that he is nothing to do with the offence.

Learned Additional Public Prosecutor opposed this petition. He further submitted that initially, the above was registered for the offence under Rule 27 of A.P. Excise (GLSTC) Rules, 2007 and later, the section of law was altered to Section 37(A) of the A.P. Excise Act, 1968 and 8(c) r/w 22(c) of the NDPS Act, 1985 and alteration memo was filed before the Court concerned.

Considering the facts and circumstances of the case and the nature of offence, this Court is not inclined to grant the relief sought by the petitioner. However, the respondent-police concerned are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity, the respondent-police are directed to issue notice to the petitioner to appear before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioner

is directed to appear before the investigating agency and give an undertaking as to his future appearance as and when required for the purpose of investigation.

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

JUSTICE RAJA ELANGO

Date : 2.9.2016

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DATED 2.9.2016

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