

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.8895 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.263 of 2009 on the file of the Additional Judicial First Class Magistrate, Mahabubabad, Warangal District, registered for the offence under Section 34(a)(e) of A.P.Excise Act and under Section 7(a) read with Section 8(c) of Andhra Pradesh Prohibition Act, against the petitioner/A2.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, for the respondent-State.

3. The petitioner is a kirana merchant. He was shown as A2 in the aforesaid case based on the confession made by A1. However, the role of the petitioner is only to the extent of selling of jaggery and alum as confessed by A1. His case is that possession of black jaggery is not prohibited under law and even it is sold in a sub-standard form, no offence can be made out against him. So also, with regard to Alum, it is allegedly used for manufacturing ID liquor by A1. The alleged offences do not apply to the petitioner, since the offence under Section 34(a) of A.P.Excise Act pertains to importing, exporting, transporting, manufacturing, collecting, possessing or selling any intoxicant and the offence under Section 34(e) of A.P.Excise Act pertains to using, keeping or being in possession of any materials, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing any intoxicant other than toddy. By

any stretch of imagination, it cannot be said that jaggery and alum are essential for manufacturing ID liquor.

4. In view of the above, continuation of proceedings against the petitioner would only be an abuse of process of law and this Court opines that the proceedings against the petitioner are liable to be quashed.

5. Accordingly, the Criminal Petition is allowed, quashing the proceedings in C.C.No.263 of 2009 on the file of Additional Judicial First Class Magistrate, Mahabubabad, Warangal District, against the petitioner/A2. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

29th August, 2018.

sj



T. RAJANI, J