

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.25985 of 2018

ORDER:

Heard learned Counsel for the petitioner and learned Government Pleader for Prohibition and Excise for the respondents.

A show cause notice bearing Rc.No.B/527/2017, dated 13.07.2018, issued by the Deputy Commissioner of Prohibition and Excise, Kurnool/R.3 is under challenge in the present Writ Petition. Followed by registration of a case in Cr.No.192/2018 for the offence under the A.P.Excise Act, 1968 (hereinafter referred to as 'the Act'), on 05.05.2018, the 2nd respondent issued the notice under challenge calling upon the petitioner to show cause as to why the petitioner's 2B licence should not be suspended under Section 34(a) of the Act.

The principal contention advanced by the learned Counsel for the petitioner is that after registration of the crime, the petitioner herein filed an application under Section 47 of the Act on 06.06.2018 before the Commissioner of Prohibition and Excise, Vijayawada, requesting for compounding of the offence, as such, the very issuance of the show cause notice is impermissible.

Admittedly, after receipt of the show cause notice, the petitioner herein did not submit any explanation bringing to the notice of the Deputy Commissioner the said aspect. Therefore, keeping it open for the petitioner herein to submit an explanation to the show cause notice and to bring to the notice

of the Deputy Commissioner about the pendency of the application before the Commissioner for compounding of the offence, within a period of one week from the date of receipt of this Order and with a further direction to the Deputy Commissioner to proceed as per law after considering the said explanation, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

Date:29.07.2018
smr

JUSTICE A.V.SESHA SAI

