

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10538 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner/A.1 in Crime No.149 of 2018 of Narsipatnam Town Police Station, Visakhapatnam, registered for the offence punishable under Section 273 IPC and Section 22 read with 5 (1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short, 'COTPA, 2003').

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

3. The petitioner/A.1 filed this petition to quash the proceedings against him on the ground that transportation of prohibited Tobacco would not fall within Section 273 IPC and therefore, the Investigating Agency will not get jurisdiction to proceed against him.

4. During hearing, learned counsel for the petitioner submits that in similar circumstances this Court passed order, dated 27.08.2018, in CrI.P.No.3731 of 2018 and batch quashing the proceedings for the offence punishable under Section 273 IPC and requested this Court to quash the proceedings against this petitioner also for the offence punishable under Section 273 IPC.

5. Following the said order, this Criminal Petition is allowed in-part quashing the proceedings the against the petitioner/A.1 in so

far the offence punishable Section 273 IPC only while declining to quash the proceedings for the offence punishable under Section 22 read with 5 (1) of the COTPA, 2003.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY,J

OCTOBER 04, 2018

Note:

Registry to annex a copy of order, dated 27.08.2018 in CrI.P.No.3731 of 2018 to this order.

(B/o)
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Date:04.10.2018

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