

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION No.11477 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/ A1 seeking to quash the proceedings in Crime No.206 of 2018, dated 11.05.2018 of Nellore II Town Police Station, SPSR Nellore District, registered on the report of one Ravi, Assistant Civil Supplies Officer, Vigilance and Enforcement Department, for the offences punishable under Section 420 IPC and Section 7(1) of the Essential Commodities Act.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the respondent/ State and perused the FIR and other material on record.

3. As per the Panchanama dated 10.05.2018, in conducting raid of Manasa Flour Mill, Yenamalapalem of Nellore Town, the Authorities concerned found PDS rice meant for public distribution system in clandestine dealing with by illegal collection and stocking of the same for sale and that allegedly constitute the offences under Section 7(1) of the Essential Commodities Act and Section 420 IPC.

4. One of the contentions of the learned counsel for the petitioner is that no ingredients of the above offences are made out and that the petitioner/ A1 already leased out the rice mill by unregistered lease agreement dated 03.03.2018 to Vijaya Narasimha Rao Raja/ A2 and thereby, the petitioner cannot be made liable.

5. A perusal of the material on record shows that the investigation is in progress. Any such material the petitioner got including as to the acting upon the so called lease deed, he is at liberty by virtue of this order to file before the investigating officer to consider as part of the investigation in filing final report.

6. With the above observations, the criminal Petition is disposed of. All the defences are left open including as to attracting or not the provisions of Section 420 IPC and Section 7(1) of the Essential Commodities Act ultimately from said final report to impugn.

7. Consequently, miscellaneous petitions, if any shall stand closed.

Date: 15.11.2018
pab

JUSTICE Dr. B.SIVA SANKARA RAO

