

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5614 OF 2021

ORDER:

This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in C.C.No.290 of 2021 pending on the file of Junior Civil Judge-Cum-Judicial Magistrate of First Class at Sirpur (T), Komrambheem Asifabad District. The petitioner herein is sole accused in the said crime. The offences alleged against him are under Sections 270 and 273 of IPC.

2. Heard Mr. Gajanand Chakravarthi, learned counsel for the petitioner and the learned Assistant Public Prosecutor appearing on behalf of respondent - State.

3. This Court, by common order dated 05.07.2021 in Crl.P. No.152 of 2020 and batch, has extensively dealt with the issue covered in the present criminal petition observing that transportation, possession, storage, sale and purchase of tobacco products are not totally banned in the State of Telangana and, therefore, it cannot be said that offences under Sections - 269, 270, 271, 272 and 273, 328, 336 and 420 of IPC are attracted to the petitioners therein. In the present case also, the allegations against the petitioner are that he is possessing and selling prohibited tobacco products and the contents of the complaint do not attract the ingredients of offences under Sections

– 270 and 273 of IPC and, therefore, the proceedings against the petitioner in the above case are liable to be quashed.

4. The present Criminal Petition is accordingly allowed in terms of the common order 05.07.2021 in Crl.P. No.152 of 2020 and batch, and the proceedings in C.C.No.290 of 2021, pending on the file of Junior Civil Judge-Cum-Judicial Magistrate of First Class at Sirpur (T), Komrambheem Asifabad District, are hereby quashed against the petitioner – accused.

5. Since the proceedings are quashed against the petitioner in the above CC, the petitioner is at liberty to file an appropriate application before the concerned Magistrate for return of the seized property and the learned Magistrate shall consider the same in accordance with law.

As a sequel, miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

Date: 22.07.2021
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K. LAKSHMAN, J