

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

**CRIMINAL PETITION NO: 208 OF 2023
ALONG WITH I.A.No.2 of 2023**

Between:

Sami Ulla Khan, S/o Azmathullah Aged about 40 Years, Occ.Business R/o Panjasha Mandal, Adilabad Locality Adilabad District.

...PETITIONER/ACCUSED No.1

AND

The State of Telangana, through S.H.O. Gudihathnoor Police Station, Adilabad District, rep. by Public Prosecutor, High Court, Hyderabad.

...RESPONDENTS/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to case in C.C.No.493 of 2022 on the file of Judicial First-Class Magistrate at Boath, Adilabad District, and quash the proceedings in the above C.C.No.493 of 2022 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

I.A. NO: 2 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to direct the court below to return the seized material in C.C.No.493 of 2022 on the file of Judicial First-Class Magistrate at Boath, Adilabad District, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Gajanand Chakravarthi, Advocate for the Petitioner and the Additional Public Prosecutor (TG) on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.208 OF 2023**
ALONG WITH I.A.No.2 of 2023**COMMON ORDER:**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner to quash the proceedings in C.C.No.493 of 2022 pending on the file of Judicial First Class Magistrate at Boath, Adilabad District.

2. The petitioner herein is accused No.2 in the said crime. The offences alleged against him are under Sections 270 and 273 of Indian Penal Code (for short "IPC) and Section 20(2) read with Section 7(2) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short 'COTP Act').

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent. Perused the record.

4. Perusal of the record would reveal that the //s involved in this case had already been dealt with by this Court extensively vide common order dated 05.07.2021 in Crl.P. No.152 of 2020 and batch which was reported in **Mohd. Jameel Ahmed v. State of Telangana**¹ and also vide common order dated 10.06.2022 in Crl.P.No.5619 of 2020 and batch.

5. Therefore, this Criminal Petition is allowed quashing the proceedings against the petitioner-Accused No.2 in C.C.No.493 of 2022 pending on the file of Judicial First Class Magistrate at Boath, Adilabad District, in terms of the common order, dated 05.07.2021 passed by this Court in **Mohd. Jameel Ahmed (Supra)** and also common order dated 10.06.2022 in Crl.P.No.5619 of 2020 and batch.

6. As the proceedings in the aforesaid are quashed against the petitioner, the Station House Officer/Investigating Officer is hereby directed to return the seized property/vehicle on proper identification and verification of ownership under due acknowledgment. In case charge sheet is already filed the petitioner is at liberty to file appropriate application before the concerned

¹ 2022 CriLJ 642.

Magistrate for return of the seized property/vehicle and the Magistrate shall consider the same in accordance with law. However, it is made clear that if the seized stock of tobacco products or other products are expired, the same shall be destroyed by taking permission from the concerned Magistrate.

7. The copy of the common orders passed by this Court in Crl.Petition No.152 of 2020 and batch on 05.07.2021 and also in Crl.Petition No.5619 of 2020 and batch on 10.06.2022, shall form part of this order.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

SD/-MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Boath, Adilabad District.
2. The Station House Officer, Gudihathnoor Police Station, Adilabad District.
3. One CC to Sri Gajanand Chakravarthi, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

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[Handwritten signature]

HIGH COURT

DATED: 09/01/2023



ORDER

CRL.P.No.208 of 2023
ALONG WITH I.A.No.2 of 2023

ALLOWING THE CRIMINAL PETITION

8
6/2/23
HW