

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 8295 OF 2023

Between:

1. Banothu Prakash, S/o Kishan Naik, Aged about 44 Years, Occ. Business, R/o Redlaguda Village, Jannaram Mandal, Mancherial District.
2. Sambari Pavam Kumar, S/o Shankarah, Aged about 33 Years, Occ. Agriculture, R/o Kistapur Village, Jannaram Mandal, Mancherial District.
3. Yerra Naresh, S/o Prabhakar, Aged about 38 Years, Occ. Business, R/o Vinayaknagar, Jannaram Mandal, Mancherial District.
4. Peddi Srikanth, S/o Bhumaiah, Aged about 33 Year, Occ. Business, R/o Yellapur Village, Pegadapalli Mandal, Jagtial District.

...PETITIONERS/ACCUSED NOS.1 TO 4

AND

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

...RESPONDENTS/COMPLAINANTS

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. 103 of 2020 On the file of Court of Principal Junior Civil Judge Cum Judicial First-Class Magistrate, at Jagtial and quash the proceedings in the above C.C.No. 103 of 2020.

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. 103 of 2020 On the file of Court of Principal Junior Civil Judge Cum Judicial First-Class Magistrate, at Jagtial, pending disposal of the above 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 of Assistant the Public Prosecutor on behalf of the Sole Respondent.

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.8295 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioners-accused Nos.1 to 4 to quash the proceedings against them in C.C.No.103 of 2020, pending on the file of the Principal Junior Civil Judge-cum-Judicial First Class Magistrate, Jagtial.

2. Heard learned counsel for the petitioners and Sri S.Ganesh, learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The petitioners herein are the accused Nos.1 to 4 in the said C.C. The offences alleged against them are punishable under Sections 188, 270 and 273 of Indian Penal Code (for short "IPC) and Section 20(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').

4. Perusal of the record would reveal that the *lis* involved in this case had already been dealt with by this Court extensively *vide* common order dated 05.07.2021 in CrI.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 in C.C.No.103 of 2020, pending on the file of the Principal Junior Civil Judge-cum-Judicial First Class Magistrate, Jagtial, 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. Since charge sheet is already filed, the petitioner is at liberty to file appropriate application before the concerned 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 order dated 05.07.2021, passed by this Court in Criminal Petition No.152 of 2020 and batch and common

¹ 2022 CriLJ 642.

order, dated 10.06.2022, passed by this Court in Criminal Petition No.5619 of 2020 and batch, shall form part of this order.

As a sequel thereto, Miscellaneous petitions pending, if any shall stand closed.

SD/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

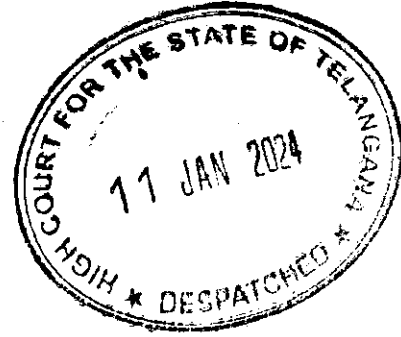
1. The Principal Junior Civil Judge cum Judicial First Class Magistrate, at Jagtial.
2. The Station House Officer, Police Station Beerpur, Jagtial District.
3. One CC to Sri. GAJANAND CHAKRAVARTHI, Advocate [OPUC].
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CD Copies

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HIGH COURT

DATED:30/08/2023

ORDER



CRLP.No.8295 of 2023

CRIMINAL PETITION IS ALLOWED

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