

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE TWENTY FIRST DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH
CRIMINAL PETITION NO: 851 OF 2022



Between:

Tellapati Ramesh, S/o Venkateswarlu, Occ. Agriculture, Resident of Nayanipalli Village,
Vetapalem Mandal, Prakasam District.

...Petitioner/Accused

AND

1. The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.
2. The Inspector, Special Enforcement Bureau Station, Chirala, Prakasam District.

...Respondent/Complainant

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in the Criminal Petition, the High Court may be pleased to call for the records pertaining to Crime No.181 of 2020 of Special Enforcement Bureau Station, Chirala, Prakasam District registered against the petitioner herein and quash the same in the interest of justice.

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to stay all further proceedings including arrest of the petitioner in Crime No.181 of 2020 of Special Enforcement Bureau Station, Chirala, Prakasam District, pending disposal of CRLP 851 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Vutupalli Rajanna, Advocate for the Petitioner, Public Prosecutor for the Respondents, the Court made the following.

ORDER

"The petitioner is accused in Cr.No.181/2020 of Special Enforcement Bureau, Chirala, Prakasam District. A case in the above crime under Section 34(a) of the A.P.Excise Act, 1968, was registered against him.

The petitioner mainly challenge the validity of the criminal proceedings launched against them on the ground of non-compliance with the procedure contemplated under Section 55 of the A.P.Excise Act, while relying on the judgment of the Apex Court in the case of *K.L.Subbayya vs. State of Karnataka* reported in (1979) 2 SCC P 115, wherein it is held that search conducted by an officer without prior recording of the grounds for his belief that an offence under the Act was likely or being committed, is illegal and without effect and conviction based on such illegal search is liable to be set aside.

Considering the law laid down in the aforesaid judgment of the Apex Court, this Court also in I.A.No.1 of 2021 in Criminal Petition No.1640 of 2021 ordered for stay of further proceedings pursuant to registration of F.I.R.

Therefore, in view of the above legal position, as the matter requires examination in the main Criminal Petition to ascertain whether launching of criminal prosecution against the petitioner in the present facts and circumstances of the case amounts to abuse of process of Court or not and as

the petitioner could make out a strong prima-facie case warranting interference of this Court to examine the validity of the criminal proceedings launched against the petitioner, there shall be interim stay of further proceedings pursuant to registration of F.I.R. in Cr.No.181/2020 on the file of Special Enforcement Bureau station, Chirala, Prakasam District, only against the petitioner herein, till the next date of hearing.

Post after four (04) weeks. ”

Sd/- M. SRINIVAS
ASSISATNT REGISTRAR

//TRUE COPY//

F SECTION OFFICER

To,

1. The Station House Officer, Special Enforcement Bureau Station, Chirala, Prakasam District
2. The Inspector, Special Enforcement Bureau Station, Chirala, Prakasam District. (by RPAD)
3. One CC to Sri Vutupalli Rajanna, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh[OUT]
5. One spare copy

SP

HIGH COURT

DRJ

DATED: 21/02/2022

POST AFTER FOUR (04) WEEKS

ORDER

CRLP.No.851 of 2022

INTERIM STAY

