

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE SEVENTEENTH DAY OF JUNE,
TWO THOUSAND AND TWENTY ONE

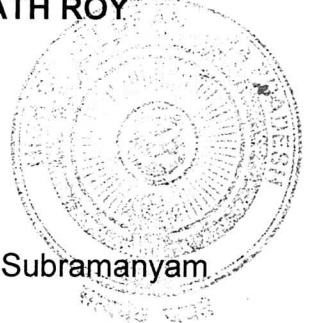
: PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

IA No. 2 OF 2021

IN

CRLP NO: 3250 OF 2021



Between:

Alam Ravindra Naidu, S/o. Alam Jayarama Naidu Age 51 years, R/o. Subramanyam Village, Kayyuru, Yachavaram, SPSR Nellore district.

...Petitioner/Accused No.2

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of Andhra Pradesh At Amaravati, through the Enforcement, Inspector Special Enforcement Bureau, Venkatagiri Excise Station Venkatagiri, SPSR Nellore District

...Respondent/Complainant

Counsel for the Petitioner: SRI KAMBHAMPATI RAMESH BABU

Counsel for the Respondent: PUBLIC PROSECUTOR

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 grant stay of all further proceedings in pursuance of Crime No. 9/(2020)-Venkatagiri-94 on the file of the Venkatagiri Excise Station, SPSR Nellore District including arrest of the Petitioner/Accused No.2 in the interest of justice, pending disposal of CRLP No.3250 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

“The petitioner mainly challenges the validity of the criminal proceedings launched against the petitioner on the ground of non-compliance with the procedure contemplated under Section 55 of the A.P. Excise Act. He is also fortified with a judgment of the Apex Court rendered 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. Therefore, in view of the said legal position, the matter requires examination in the main Criminal Petition whether the launching of criminal prosecution against the petitioner in the present case amounts to abuse of process of law or not. So, 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 him in the main Criminal Petition.

Therefore, in the said facts and circumstances of the case, there shall be a stay of further proceedings pursuant to registration of F.I.R in Crime No.9/(2020)-Venkatagiri-94 of Venkatagiri Excise Station, SPSR Nellore District, till the next date of hearing."

Sd/-M.Suryanadha Reddy
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Venkatagiri Excise Station, SPSR Nellore District
2. One CC to Sri Kambhampati Ramesh Babu, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court of Andhra Pradesh.[OUT]
4. One spare copy

SP

HIGH COURT

CMR J

DATED: 17/06/2021

ORDER

**IA No. 2 OF 2021
IN
CRLP NO: 3250 OF 2021**

INTERIM STAY

