

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: CrI.P. No.4694 of 2021

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
1.	23.08.2021	<u>CMR, J</u> <u>I.A.No.1 of 2021</u> Dispensed with for the present. _____ CMR, J <u>CrI.P. No.4694 of 2021</u> Learned Additional Public Prosecutor has taken notice for the 1st respondent/State and requests time to seek instructions. Issue notice to respondent No.2. Post the matter after three (3) weeks. _____ CMR, J <u>I.A.No.2 of 2021</u> The petitioner is A-1 in Crime No.124 of 2021 of Special Enforcement Bureau/Excise Police Station, Macherla, Guntur District. A case under Section 7(A) r/w 8(e) of the Andhra Pradesh Prohibition Act, Sections 3 and 4 of the GUR Regulation, 1968, and under Section 34(e) of the A.P. Excise Act, 1968 was registered against him along with other accused. Admittedly, the petitioner is a kirana merchant doing business in it. The jaggery that was found to be	

		in possession of A-2 for the purpose of manufacturing illicit liquor is said to have been purchased from the petitioner herein, who is A-1. Therefore, on the said ground, the petitioner, who is A-1, is implicated as an accused in this case. This Court has earlier based on previous precedents on the point, held in Criminal Petition No.3219 of 2021 that mere selling of jaggery by a kirana merchant or purchase of jaggery from the said kirana merchant do not attract any offence under Section 34(e) of the Excise Act or any other offences. Therefore, in view of the same, the petitioner could make out a strong <i>prima facie</i> case warranting interference of this Court to examine in the main Criminal Petition whether launching of criminal prosecution against the petitioner in the said facts and circumstances of the case amounts to abuse of process of Court or not and whether the F.I.R registered against him is liable to be quashed or not. Therefore, there shall be interim stay of further proceedings pursuant to registration of F.I.R in Crime No.124 of 2021 of Special Enforcement Bureau/Excise Police Station, Macherla, Guntur District, against the petitioner herein alone, who is A-1, including arrest, till the next date of hearing. Investigation in respect of other accused shall go on. CMR, J AKN	
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