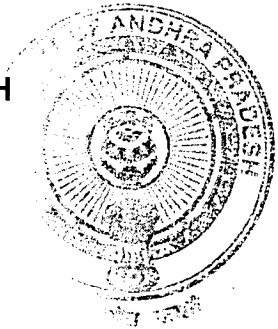


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TENTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE D RAMESH

IA No. 2 OF 2021
IN
CRLP NO: 6224 OF 2021

**Between:**

Prasad Reddy (correct name Surasani Hari Prasad), S/o. Rami Reddy, aged about 45 years, R/o. 2-8A, Machavaram, 2nd Ward, Kanigiri, Prakasam District.

...Petitioner/Accused
(Petitioner in CRLP 6224 OF 2021
on the file of High Court)

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court Buildings,
Amaravathi.

...Respondent
(Respondents in-do-)

Counsel for the Petitioner : SRI RAJA REDDY KONETI
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 of criminal petition, the High Court may be pleased to stay all further proceedings in FIR No.64 of 2021, dated 21-10-2021 of SEB Police Station, Kanigiri, Prakasam District, pending disposal of CRLP No.6224 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).

ORDER:

“The petitioner /A-1 in Crime No. 64/2021 on the file of Kanigiri Police Station, Prakasam District. A case in the above crime under Section 34(a) of the A. P. Excise Act, 1968 was registered against him along with other accused.

The petitioner mainly challenges the validity of the criminal proceedings launched against him 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 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 an interim stay of further proceedings pursuant to registration of F.I.R in Crime. No. 64 of 2021 on the file of Kanigiri Police Station, Prakasam District only against the petitioner herein, who is A-1, till the next date of hearing."

Sd/- M. SRINIVAS
ASSISATNT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, SEB Police Station, Kanigiri, Prakasam District.
2. One CC to Sri. Raja Reddy Koneti, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court of AP [OUT]
4. One spare copy

MM

HIGH COURT

DRJ

DATED:10/11/2021

ORDER

**IA No. 2 OF 2021
IN
CRLP NO: 6224 OF 2021**

INTERIM DIRECTION

