

Andhra Pradesh Excise (Amendment) Act, 1994

4 of 1994

[15 January 1994]

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AN ACT FURTHER TO AMEND THE ANDHRA PRADESH EXCISE ACT, 1968. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as followss:- * Received the assent of the Governor on the 15th January, 1994, For Statement of objects and Reasons, Please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 23rd December, 1993 at Page 9-11.

1. Short Title And Commencement :-

(1) This Act may be called the Andhra Pradesh Excise (Amendment) Act, 1994.

(2) It shall be deemed to have come into force on the 26th November, 1993.

2. Amendment Of Section 2 :-

In the Andhra Pradesh Excise Act, 1968 (Act 17 of 1963) (hereinafter referred to as the principal. Act) in section 2, -

(i) for clause 3, the following shall be substituted, namely:-

"(3) "bottle" means to transfer liquor from one cask to another cask or from a cask or vessel to a bottle, jar, flask, pot, closed packet, basket, tin, barrel, case, receptacle, bag, sack or wrapper or any other receptacle in any form in which any Intoxicant is packed for the purpose of sale whether or not any process of manufacture is employed and includes re-bottling.;" ;

(ii) in clause (5) for the words "the District Revenue Officer", the words "the Joint Collector" shall be substituted.

3. Substitution Of New Section For Section 34 :-

For section 34 of the principal Act, the following section shall be substituted, namely:-

34. "Penalties for illegal import, etc.--

whoever, in contravention of this Act or of any rule, notification - or order made, issued or passed thereunder or of any licence or permit granted or issued under this Act,-

(a) imports, exports, transports, manufactures, collects or possesses or sells any intoxicant; or

(b) taps any excise tree; or

(c) draws toddy from any excise tree; or

(d) constructs or works any distillery or brewery; or

(e) uses, keeps or has in his possession any materials, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing any intoxicant other than toddy; or

(f) bottles any liquor for purposes of sale; or

(g) buys any intoxicant; or

(h) possesses any material or film either with or without Government logo of any district in the State of Andhra Pradesh or any other State or wrapper or any other thing in which intoxicants can be packed or any apparatus, or implement or machine for the purpose of packing any intoxicant;

(i) removes any intoxicant from any distillery, brewery or ware

house licensed, established or continued under this Act;
shall on conviction be punished,-

(1) in the case of an offence falling under clause (a),-

(i) where the intoxicant involved in the offence is less than such quantity as may be notified in this behalf with imprisonment for a term which shall not be less than six months but which may extend upto three years and with fine which shall not be less than rupees five thousand but which may extend upto rupees twenty thousand;

(ii) where the intoxicant involved in the offence is not less than the quantity notified as aforesaid with imprisonment for a term which shall not be less than one year and which may extend upto five years and with fine which shall not be less than rupees ten thousand but which may extend upto rupees one lakh; and

(2) in the case of an offence other than an offence falling under clause (a) with imprisonment which shall not be less than six months but which may extend to one year and with fine which may extend upto rupees ten thousand.

4. Amendment Of Section 36 :-

In section 36 of the principal Act, in clause (g) for the words "child apparently under eighteen years of age or permits or suffers such child", the words "person apparently under twenty one years of age or permits or suffers such person" shall be substituted.

5. Amendment Of Section 37 :-

In section 37 of the principal Act,-

(a) after clause (d), the following clause shall be inserted, namely:"

(e) makes any block for printing counterfeit excise adhesive lable, photo copies of such lable for counterfeiting, prints any counterfeit excise adhesive lable, makes counterfeit cork or capsule, to be used on bottles, packages or other receptacles containing Indian liquor or foreign liquor or in possession of counterfeit excise adhesive lable, cork, capsule, block or any other material to be used for printing such lable or making such cork or capsule.";

(b) for items (i) and (ii), the following items shall be substituted, namely:-

"(i) in case of first offence for a term which shall not be less than one year but which may extend upto three years and with fine which shall not be less than rupees ten thousand but which may extend upto rupees thirty thousand;

(ii) in the case of a second or subsequent offence for a term which

shall not be less than two years but which may extend upto three years and with fine which shall not be less than rupees fifty thousand but which may extend upto rupees one lakh".

6. Section 6 :-

7. Inserted Of New Section 40A :-

After section 40 of the principal Act, the following section shall be inserted, namely:-

40A. "Penalty for false statement made in declaration or affidavit.-- Whosoever in any declaration or affidavit made to an Excise Officer makes any statement which is false or found to be false after due verification or which he believes to be false or does not believe it to be true, touching any point material to the object for which the declaration or affidavit is made or used shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend upto three years and shall also be liable to fine which may extend upto rupees ten thousand."

8. Amendment Of Section 41 :-

In section 41 of the principal Act, for the words "be punished with fine which may extend to five thousand rupees", the words "be punished with imprisonment which may extend upto six months and with fine which may extend upto five thousand rupees" shall be substituted.

9. Amendment Of Section 44 :-

In section 44 of the principal Act, in the proviso, for the expression "Chapter XXII of the Code of Criminal Procedure, 1898", the expression "Chapter XXI of the Code of Criminal Procedure, 1973" shall be substituted,

10. Amendment Of Section 45 :-

In section 45 of the principal Act, in sub-section (3), the proviso shall be omitted.

11. Amendment Of Section 47 :-

In section 47 of the principal Act, for the expression "clause (c), clause (d), clause (g) or clause (h) of section 34", the expression

"clause (b), clause (c) or clause, (g) of section 34" shall be substituted.

12. Amendment Of Section 47A :-

In section 47A of the principal Act, in sub-section (1), for the expression "falling under clause (a) of section 34 or section 38" ; the expression "falling under section 38" shall be substituted.

13. Amendment Of Section 50 :-

In section 50 of the principal Act,

(i) for the words "which shall not exceed six months or with fine which shall not be less than five hundred rupees but which shall not exceed one thousand rupees or with both", the words "which shall not exceed one year" shall be substituted;

(ii) for the existing marginal heading, the marginal heading "Penalty for abetment" shall be substituted.

14. Insertion Of New Section 53A :-

After section 53 of the principal Act, the following section shall be inserted, namely:-

53A. "Obligation of officers to assist each other.--

The officers of the Departments of Police and Revenue shall, upon notice given or request made by an Excise officer be legally bound to assist him in carrying out the provisions of the Act."

15. Amendment Of Section 55 :-

In section 55 of the principal Act, for the expression "or section 37", the expression "section 37 or section 37A" shall be substituted.

16. Amendment Of Section 56 :-

In section 56 of the principal Act, for the expression "or section 37", the expression "section 37 or section 37A or section 40A" and for the expression "the Code of Criminal Procedure, 1898", the expression "the code of Criminal Procedure, 1973" shall be substituted.

17. Amendment Of Section 57 :-

In section 57 of the principal Act, for the expression "section 190 of

the Code of Criminal Procedure, 1898" the expression "section 190 of the Code of Criminal Procedure, 1973" shall be substituted.

18. Amendment Of Section 59 :-

In section 59 of the Principal Act, for the expression "the Code of Criminal Procedure, 1898" the expression "the Code of Criminal Procedure, 1973" shall be substituted.

19. Repeal Of Ordinance 10 Of 1993 :-

The Andhra Pradesh Excise (Amendment) Ordinance, 1993 is hereby repealed.