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**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND
J.M.F.C., AT SIRA.**

Dated this the 1st day of July 2026

PRESENT

Smt. ZARIFA BANU A.R.,
B.A.L., LL.M.,
PRL. SENIOR CIVIL JUDGE & JMFC., SIRA.

C.C.NO. 448/2016

COMPLAINANT: State by Sira Police.
(By learned Assistant Public
Prosecutor).

- versus -

ACCUSED: Imran, S/o Mahamed Khasim,
Aged about 29 years,
R/o Mehaboob Nagar,
Sira town,
Tumakuru District.

(By Sri.M.D.A., Adv.,)

1.Date and time of incident : 04.04.2016
2.Date and time of FIR : 04.04.2016
3.Date of appearance/arrest : 21.06.2016



4. Date of commencement of recording on evidence : 14.10.2019
5. Name of the complainant : C.R. Bhaskar
6. Acts and sections : U/Sec. 285 of IPC and Sec.3(1)(b)(c)4(1)(a) of Liquefied petroleum Gas supply and control order 2000
7. Opinion of the Judge : The accused is not found guilty.

J U D G E M E N T

The Sub Inspector, Sira Police station has filed charge sheet against the accused for the offences punishable U/Sec. 285 of IPC and Sec.3(1)(b)(c)4(1)(a) of Liquefied petroleum Gas supply and control order 2000.

2. The Brief Facts of the prosecution case is that: -

On 04.04.2016 at about 1.30 p.m. accused without having license illegally refilling the LPG domestic cylinder to



another cylinder and on raid by the CW.5 and 6 the accused ran away from the spot. Police seized the properties which are used in refilling the LPG gas and Gas cylinders.

3. On the basis of the said complaint, Sira police have registered the case in Crime No.100/2016 and after the investigation, filed the charge sheet against the accused for the offences punishable U/Sec. 285 of IPC and Sec.3(1)(b)(c)4(1)(a) of Liquefied petroleum Gas supply and control order 2000.

4. After filing of charge sheet, accused appeared before the court in pursuance of summons and Bailed out. Charge sheet copy supplied to him as required U/Sec. 207 of Cr.P.C. Charge was recorded and read over to the accused person. But the accused pleaded not guilty and claims to be tried.

5. In order to prove their case, prosecution examined the 2 witnesses as P.w.1



& 2 and got marked 2 documents as Ex.P.1 & 2 and also got marked M.O.1 to 4.

6. Statement of accused U/Sec. 313 of Cr.P.C. was recorded. He denied the incriminating evidence appeared against him and claims no defence evidence.

7. Heard the arguments of learned A.P.P. and the counsel for accused.

8. The points that arise for my consideration are:

1. Whether the prosecution proves beyond all reasonable doubt that On 04.04.2016 at about 1.30 p.m. accused without having license illegally refilling the LPG domestic cylinder to another cylinder and on raid by the CW.5 and 6 the accused ran away from the spot. Police seized the properties which are used in refilling the LPG gas and Gas cylinders and thereby the accused has committed offences punishable U/Sec. 285 of IPC and Sec.3(1)(b)(c)4(1)(a) of



Liquefied petroleum Gas supply
and control order 2000?

2. What order?

9. Perused the entire materials placed
on record. The above points answered as
follows:

POINT NO.1 : In the **Negative.**

POINT NO.2 : As per final order
for the following:

R E A S O N S

10. POINTS No.1:- According to
prosecution, On 04.04.2016 at about 1.30 p.m.
accused without having license illegally
refilling the LPG domestic cylinder to
another cylinder and on raid by the CW.5 and
6 the accused ran away from the spot.

11. In order to prove the said guilt of
the accused the prosecution has cited 7
witnesses. Amongst them the CW-7/IO reported
to be dead. The prosecution examined only two
witnesses as CW-1 and 2 as PW-1 and 2.
Inspite of summons and warrants issued to CW-



3 to 6, the prosecution failed to secure the said witnesses hence dropped.

12. P.W.1 is the IO who conducted raid on the spot along with CW2 to 6 and has seized Two cylinders, one electronic weighing machine, gas refilling pipe with regulator, which are identified as M.O.1 to 4 and further he deposed that the accused was flew away from the spot after handing over the said material object to the PW-1.

13. PW-2 is the food inspector has deposed that he was participated in the raid conducted by PW-1 who has seized Two cylinders, one electronic weighing machine, gas refilling pipe with regulator, which are identified as M.O.1 to 4 and further he deposed that the accused was flew away from the spot after handing over the said material object to the PW-1.

14. As per the testimony of the P.w.1 & 2 they have collected the identity & particulars of the person, who ran away from



the place of crime. It indicates that, P.w.1 & 2 are not acquainted with the accused who alleged have been filling LPG gas to the auto cylinder. Furthermore, the police officials have not at all made any attempt to arrest the accused on spot and deposed that the accused flew away under the nose of the police officials. The said testimony of PW-1 meticulously discloses his irresponsibility, negligence and untrustworthiness in his evidence. Thus, the person who disclosed the identity of the accused is not known nor made him as a witness. It is not the case of the prosecution that, police rushed to the place of crime accompanying with any public. It is also not the case of prosecution that, apart from the person ran away, any other person was present in the place of crime. Under such circumstance, from whom the police have collected the identity particulars of the accused is a material question, which left without any explanation. The very presence of accused at the time of raid in the crime place is itself is doubtful.



15. There is no evidence to show that, whether the pipes were connected to domestic LPG cylinder and auto gas cylinder. No customer was present. Merely because M.O.1 to 4 seized from the place of crime it cannot be inferred that domestic LPG is being used by way of refilling to auto cylinder.

16. It is significant to note that, no expert opinion produced before the court to show that, the seized cylinders filled with liquefied petroleum gas. No evidence placed to show that the alleged LPG cylinders supplied for domestic use. There is no evidence to show that, any LPG cylinder for domestic use was supplied to accused or any of his family members. No evidence placed to show that the place of crime is the house of accused. Furthermore, except PW-1 and 2 no witnesses appeared inspite of summons and non bailable warrant issued. Thus, the non-examination of material witnesses fatal to the case of the prosecution. Thus, for these reasons this court is of the considered view that, the prosecution fails to prove the



guilt of the accused beyond all reasonable doubt. Accordingly point No.1 answered in the **Negative.**

17. POINT NO.2:- In view of the above said discussions, I proceed to pass the following:

ORDER

In exercise of the powers vested under section 248[1] of Cr.P.C., the accused is hereby acquitted of the offences punishable U/Sec. 285 of IPC and Sec.3(1)(b)(c)4(1)(a)of Liquefied petroleum Gas supply and control order 2000.

The M.O.1 to 4 are hereby ordered to confiscate to the state after completion of appeal period.

The bail bond and surety bond of the accused stand cancelled after expiry of appeal period to



comply the provision of Section
437 (A) of Cr.P.C.

(Dictated to the Stenographer directly on
computer and computerized and printout taken
by her, then corrected and pronounced in the
open court on this the 1st day of July 2026)

(ZARIFA BANU A.R.)
Prl. Senior Civil Judge and
J.M.F.C., Sira.

ANNEXURE

**List of witnesses examined for the
prosecution:**

P.W.1 : C.R.Bhaskar
P.W.2 : Shivashankarappa.

**List of documents got marked for the
prosecution:**

Ex.P.1 : Seizure Mahazar.
Ex.P.2 : Report.

List of witnesses examined for defence:

- NONE -

List of documents marked for the defence:

- NIL -



List of Material objects:

1. Indane company Cylinder.
2. Quarter filled Indane Company Cylinder.
3. Weighing machine.
4. Two regulators fixed to both side of 3 mts length pipe.

**Prl. Senior Civil Judge and
J.M.F.C., Sira.**