

KARN220064452022



IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND
J.M.F.C. AT CHANNAPATNA

:- PRESENT :-

SHRI. YOGESHA K B.A.L. L.L.M. PGDHRM.
Principal Civil Judge & J.M.F.C.,
Channapatna.

Dated this the 01st day of July 2026

C.C.No.4609 OF 2022

BETWEEN

THE STATE OF KARNATAKA
REPRESENTED BY PSI
RURAL POLICE STATION
CHANNAPATNA TALUK

...COMPLAINANT

(BY ASSISTANT PUBLIC PROSECUTOR)

AND

1. SHRI. DEVARAJU
S/O CHELUVAIAH
AGED ABOUT 49 YEARS



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2. SHRI. SADIK @ SADIQ AHMAD
W/O LATE MURAZ MIYA
AGED ABOUT 45 YEARS

3. SHRI. EMTHIYAZ @ ENTHIYAZ
AHAMAD S/O LATE
MANTHJI MIYA
AGED ABOUT 48 YEARS

A.NO.1 TO 3 ARE RESIDENT AT
MANDIPETE
CHANNAPATNA TOWN
AND TALUK.

4. SHRI. KUMAR T
S/O THIMMASHETTY
AGED ABOUT 28 YEARS
R/O ABBURU VILLAGE
KASABA HOBLI
CHANNAPATNA TALUK.

5. SHRI. YOGESHA @ YOGANANDA
S/O KENCHAMALAVAIAH
AGED ABOUT 22 YEARS
R/O HUCHAIAHNADODDI VILLAGE
KASABA HOBLI
CHANNAPATNA TALUK.

... ACCUSED

(BY SHRI. M.K.N., ADVOCATE)



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1.	Date of commission of offence	06.03.2022
2.	Date of report of offence	06.03.2022
3.	Date of arrest	06.03.2022
4.	Name of the Complainant	Shri. Liyakat Ulla
5.	Date of recording evidence	03.09.2024
6.	Date of closing evidence	12.01.2026
7.	Offence complied of	Under Section 3 and 7 of E.C. Act
8.	Opinion of the Judge	Found not guilty
9.	Decision	Acquitted

J U D G M E N T

The Police Sub-Inspector of Channapatna Rural Police Station has laid the charge sheet against Accused Nos.1 to 5 for the offences punishable under Sections 3 and 7 of Essential Commodities Act.



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BRIEF FACTS OF THE PROSECUTION CASE

2. On the intervening night of 05.03.2022 and 06.03.2022, while CW-1 along with CWs-8, 9 and 10 was on special night patrol duty within the jurisdiction of Channapatna Rural Police Station, CW-1 received credible information that certain persons were illegally transporting Public Distribution System (PDS) rice intended for distribution to ration card holders. Acting upon the said information, CW-1 secured the presence of panch witnesses, namely CWs-2, 3 and 4, apprised them of the information received and proceeded to conduct a raid. At about 5.30 a.m. on 06.03.2022, near the HP Petrol Bunk situated on the Bengaluru–Mysuru Road at Chikkamaluru Village, it was found that Accused Nos.1, 2 and 5 had allegedly removed the ration rice from gunny bags, packed it into plastic bags and burnt the empty gunny bags in an open space near Kolapuradamma Temple at Channapatna Town with an intention to



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conceal its identity. It is further alleged that Accused Nos.2 and 4 were transporting the said rice in Tata 407 Goods Carrier bearing Registration No. KA-41-5236 for the purpose of illegal sale in the black market without possessing any valid licence. During the raid, 57 plastic bags containing PDS rice weighing in all 27.40 quintals, along with the aforesaid goods vehicle, were seized under a mahazar in the presence of the panch witnesses.

3. On the basis of the first information given by the CW-1 the case came to be registered in Crime No.66 of 2022 of Rural Police Station against the accused No.1 to 5 for the offences punishable under Sections 3 3 and 7 of Essential Commodities Act at about 08.00 AM on 06.03.2022.

4. After registering the case, First Information Report was submitted to this Court on 06.03.2022 at 05.30 PM. After recording the statements of witnesses, drawing up



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of Mahazar at spot, seized the articles and concluded the investigation and the charge sheet came to be filed by the Investigating Officer against the accused citing as many as 11 witnesses.

5. Accused were enlarged on bail. After taking the cognizance for the offence mentioned supra, this court issued the process to the accused for their appearance. Upon service of process the accused are appeared through their counsel. The charge sheet papers were furnished and provisions of Section 207 of Cr.P.C. were complied. Upon hearing the accused charge were framed as found prima-facie case, read over and asked the accused whether they pleads guilty or not and to which they voluntarily pleaded not guilty of the offence and claimed to be tried. Hence, the matter was posted for evidence.



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6. In order to bring home the guilt of the accused, prosecution has examined in all 9 witnesses as PW-1 to PW-6 and has got marked 8 documents as Ex.P.1 to Ex.P.8.

7. After the completion of evidence on prosecution, accused have been examined under Section 313 of Criminal Procedure Code with regard to the incrimination circumstances emanating from the prosecution evidence. The case of the accused persons is one of total denial of the allegation leveled against them. They have not chosen to lead any evidence on their behalf.

8. The provisions of Section 437(A) of Cr.P.C., were complied with.



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9. I have heard the argument of APP and learned counsel for accused person. Perused the oral and documentary evidence and materials on record.

10. The following points arise for considerations by this Court are;

- 1) Whether the prosecution proves beyond all reasonable doubt that on 06.03.2022 at about 5.30 a.m., near HP Petrol Bunk situated on the Bengaluru–Mysuru Road at Chikkamaluru Village, within the jurisdiction of Channapatna Rural Police Station, Accused Nos.1 to 5 were found in unlawful possession of 27.40 quintals of Public Distribution System (PDS) rice meant for distribution to ration card holders and were transporting the same in Tata 407 Goods Carrier bearing Registration No. KA-41-5236 for illegal sale in the black market



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without any valid licence or authority, in contravention of the provisions of the Essential Commodities Act and the Control Orders issued thereunder, and thereby committed offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955?

2) What order?

11. The findings of this court to the above Points are as under;

Point No.1 : In the Negative

Point No.2 : As per final order

for the following:

- : R E A S O N S : -

12. **Point No.1:-** The burden lies upon the prosecution to establish the guilt of the accused



beyond all reasonable doubt. In order to prove the charge, the prosecution has examined PW-1 to PW-9 and relied upon Ex.P-1 to Ex.P-8. The prosecution case is that on 06.03.2022 at about 5.30 a.m., near HP Petrol Bunk situated on the Bengaluru–Mysuru Road at Chikkamaluru Village, the accused were found transporting 27.40 quintals of Public Distribution System (PDS) rice in Tata 407 Goods Carrier bearing Registration No. KA-41-5236 without any valid licence for the purpose of illegal sale in the black market and thereby committed the offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955.

13. At the outset, the prosecution has relied upon the evidence of PW-1, PW-2 and PW-9, who are cited as seizure mahazar witnesses. However, all these witnesses have completely turned hostile to the prosecution. PW-1 admitted only his signature on



Ex.P-1 and categorically deposed that he had signed the mahazar at the police station, that he was unaware of its contents and had not given any statement to the police. Likewise, PW-2 admitted his signature on Ex.P-1 but denied witnessing the seizure of the rice bags and the vehicle. PW-9 also admitted his signature on Ex.P-1 but stated that he had signed the document in the police station at the request of the police and denied the seizure proceedings. Though all these witnesses were treated as hostile and cross-examined by the learned Assistant Public Prosecutor, nothing worthwhile has been elicited to support the prosecution case. Thus, the seizure mahazar under Ex.P-1 has not been proved through independent witnesses.

14. Similarly, PW-4 and PW-5, who are the panch witnesses to the spot mahazar (Ex.P-3), have also turned hostile. They admitted only their signatures on



Ex.P-3 and specifically stated that they had signed the document in the police station without knowing its contents. Both denied that the police conducted any mahazar in their presence or that the accused had burnt gunny bags at the alleged place of occurrence. Their evidence also does not lend any support to the prosecution.

15. The prosecution has mainly relied upon the testimony of PW-3, the complainant Police Sub-Inspector, PW-7, the police constable who accompanied him during the raid, and PW-8, the Investigating Officer. PW-3 has deposed regarding receipt of credible information, interception of the Tata 407 vehicle, seizure of 57 plastic bags containing rice and lodging of the complaint. PW-7 has substantially corroborated the version of PW-3 regarding the raid and seizure. PW-8 has spoken about registration of the FIR, investigation, recording of



statements and filing of the charge sheet. Though these witnesses have consistently supported the prosecution case, it is well settled that when the independent seizure witnesses have not supported the prosecution, the evidence of official witnesses has to be scrutinized with greater caution.

16. A careful appreciation of the evidence of PW-3, PW-7 and PW-8 discloses several material deficiencies in the prosecution case. Admittedly, no sample of the seized rice was drawn or sent to any competent laboratory or Food Corporation of India for scientific examination to ascertain whether it was in fact Public Distribution System rice. PW-3 himself has admitted in his cross-examination that he did not subject the rice to any examination and that the Investigating Officer would enquire into that aspect. PW-6, who was working in the Department of Food and Civil Supplies, has admitted that she had only made a preliminary



visual inspection and that no scientific examination was conducted. She has further admitted that she had no specialised training to identify PDS rice and that officers of the Food Corporation of India were the competent persons to ascertain the authenticity of such rice. She has also admitted that when she visited the spot, neither the original government gunny bags nor any departmental logo was available. Thus, the prosecution has failed to establish by acceptable evidence that the seized rice was actually meant for distribution under the Public Distribution System.

17. Further, though the prosecution alleges that the original gunny bags were burnt after transferring the rice into plastic bags, the Investigating Officer has admitted that no photographs of the alleged burnt gunny bags were taken, no ashes were seized and no scientific material was collected from the alleged place of burning. Even the alleged place where the gunny



bags were burnt has not been satisfactorily established through independent evidence. PW-4 and PW-5 have not supported the prosecution regarding Ex.P-3.

18. The prosecution has also failed to produce any documentary evidence to establish the origin of the seized rice. No records have been produced from the Food and Civil Supplies Department to show that the rice formed part of the Government stock supplied to any fair price shop. No fair price shop dealer, Food Inspector or official from the Food Corporation of India has been examined to prove that the rice belonged to the Public Distribution System. Likewise, no documentary material has been placed to show that the seized rice had been diverted from any ration shop.

19. Another important circumstance is that except the evidence of police officials, there is no



independent evidence connecting the accused with the alleged transportation of PDS rice. The voluntary statement allegedly made by Accused No.4 before the police is inadmissible except to the limited extent permissible under Section 27 of the Indian Evidence Act. Even the alleged recovery pursuant to such statement has not been proved through independent witnesses, as both panch witnesses have turned hostile. It is also significant that no material object has been produced before the Court. The list of material objects itself shows "Nil". Though the prosecution claims that 57 bags of rice were seized, neither the rice nor representative samples thereof were produced before the Court. Such omission creates a serious dent in the prosecution case.

20. The cumulative effect of the above evidence creates substantial doubt regarding the prosecution story. Mere recovery of bags containing rice from a



vehicle, without establishing by reliable and cogent evidence that the rice was PDS rice and that the accused were transporting it in violation of the Control Orders issued under Section 3 of the Essential Commodities Act, is insufficient to sustain a conviction under Sections 3 and 7 of the Act. The prosecution has failed to prove the essential ingredients of the offences beyond reasonable doubt.

21. Criminal jurisprudence mandates that if two views are possible, the one favourable to the accused must be adopted. In the present case, the prosecution has failed to remove the reasonable doubt arising from the hostile independent witnesses, absence of scientific or documentary proof regarding the nature of the rice, non-production of material objects and the lapses in investigation. Consequently, the accused are entitled to the benefit of doubt. Accordingly, **Point No.1 is answered in the Negative.**



22. Point No.2:- In view of foregoing reasoning and conclusions arrived at by this court during the above discussions, proceed to pass the following,

-: O R D E R :-

The accused Nos.1 to 5 are found not guilty of the offences punishable under Sections 3 and 7 of Essential Commodities Act.

Acting under Section 248(1) of the Code of Criminal Procedure, 1973, the accused Nos.1 to 5 are hereby acquitted of the said offences.

The bail bonds of the accused persons and their surety bonds executed in compliance with



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Section 437-A of the Code of Criminal Procedure, 1973, shall remain in force for a period of six months from the date of this judgment and thereafter shall stand cancelled.

[Given under my hand and seal of this court on this 01st July, 2026 within the premises and during the working hours of this Court and is pronounced in an open court.]

**(YOGESHA K)
PRL. CIVIL JUDGE & J.M.F.C.,
CHANNAPATNA**



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-: A N N E X U R E :-

List of Witnesses examined on behalf of the Prosecution:

PW-1	:	Shri. Baba
PW-2	:	Shri. Prasanna Kumar
PW-3	:	Shri. Liyakath Ulla
PW-4	:	Shri. Bharath Kumar
PW-5	:	Shri. Santosh
PW-6	:	Smt. Anusha M.
PW-7	:	Shri. Siddalingappa J.S
PW-8	:	Shri. A.R. Mohan
PW-9	:	Shri. Ramesh

List of Documents exhibited on behalf of the Prosecution:

Ex.P-1 & 1(a) - (c)	:	Seizer Mahazer and signatures
Ex.P-2 & 2(a) & (b)	:	Complaint and signatures
Ex.P-3 & 3(a) - (c)	:	Spot Mahazer and signatures
Ex.P.4 & 5	:	Photographs
Ex.P.6 & 6(a)	:	FIR and signature
Ex.P.7 & 7(a)	:	Endorsement and signature
Ex.P.8 & 8(a)	:	Report and signature



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List of Material Objects exhibited on behalf of the Prosecution:

Nil

List of Witnesses examined on behalf of the Accused:

Nil

List of Documents exhibited on behalf of the Accused:

Nil

List of Material Objects exhibited on behalf of the Accused:

Nil

(YOGESHA K)
PRL. CIVIL JUDGE & J.M.F.C.,
CHANNAPATNA