



**IN THE COURT OF THE PRL. CIVIL JUDGE
AND JMFC, AT MUDIGERE.**

-. P R E S E N T :-

Sri.YOGESHA M.R., B.A. LLB.,
PRL. CIVIL JUDGE AND JMFC.,
MUDIGERE.

*Dated this the **09th** Day of **JULY, 2026.***

CC.No.1807/2024

COMPLAINANT:-

State by Mudigere PS,
Mudigere Taluk.

(By Learned APP)

V/s.,

ACCUSED:-

- 1.** Girija.P.A,
D/o late Babu,
Aged about 63 years,
R/at Nagalapura,
Makonahalli Village,
Mudigere Taluk.
- 2.** H.B.Madhan Kumar,
S/o H.C.Bettegowda,
Aged about 34 years,
Cashier in Lakshmi Wines,
R/at Daradahalli Village,
Mudigere Taluk.

(A1 By Sri.SD., Advocate)

(A2 By Sri.DKP., Advocate)

Date of offences	02.06.2024
Date of report	02.06.2024
Name of the Complainant	Sri. Sreenatha Reddy.V
Offences alleged	U/Sec.32, 34 & 36(B) of KE Act

Evidence commenced on	08.07.2025
Evidence closed on	18.06.2026
Judgment pronounced on	09.07.2026
Opinion of Presiding Officer	Accused found not guilty

(YOGESHA.M.R)

PRL. CIVIL JUDGE & JMFC.,
MUDIGERE.

J U D G M E N T

This is a charge sheet filed by the PSI, Mudigere police station, Mudigere Taluk against the accused No.1 and 2 for the offences punishable under Section 32, 34 & 36(B) of Karnataka Excise Act.

2. The brief facts of the Prosecution are that:-

On 02.06.2024 at about 5.00 PM within the limits of Mudigere Police station at Nagalapura of Makonahalli Village, accused No.1 was found in illegal possession of 90 ML 30 No.1 Highway Deluxe Whiskey tetra pouches in her house in order to sell the same to gain wrongfully without having license and accused No.2 sold the said

liquor pouches to the accused No.1 in excess of the limit shown on the permit and thereby accused persons committed aforesaid offences.

3. The accused persons appeared before the Court. After receiving objections from learned APP and hearing both sides, the accused persons enlarged on bail. After completion of investigation, the IO has filed the charge-sheet and this Court took cognizance for the aforesaid offences against the accused persons. In response to the summons, the accused persons appeared before this Court. The accused persons were furnished with the charge-sheet papers as required under Section 207 of Cr.P.C. After hearing from both sides charge was framed, read over and explained to the accused persons for which they pleaded not guilty and claims to be tried.

4. In order to prove the case, the prosecution has examined PW1 to PW7, got marked the documents

as per Ex.P1 to Ex.P10 and identified MO.1 to 3. After conclusion of prosecution evidence, the statement of the accused persons under Sec.313 of Cr.P.C is recorded by way of explaining the incriminating evidence appearing against them. The accused persons have denied the incriminating evidence appearing against them and not lead any defence evidence.

5. Heard the arguments on both the sides and perused the materials on record.

6. The following points that arise for the consideration of the Court:

:- POINTS :-

- 1. Whether the prosecution proves beyond all reasonable doubts that, on 02.06.2024 at about 5.00 PM within the limits of Mudigere Police station at Nagalapura of Makonahalli Village, accused No.1 was found in illegal possession of 90 ML 30, No.1 Highway Deluxe Whiskey tetra pouches in her house in order to sell the same to gain wrongfully without having license and permit and thereby accused No.1 committed the offences punishable Under Sections 32 of Karnataka Excise Act ?*

2. *Whether the prosecution proved beyond all reasonable doubt that on the above said date, time and place, accused No.1 was found in illegal possession of 90 ML 30, No.1 Highway Deluxe Whiskey tetra pouches i.e., exceed the permitted quantity in her house in order to sell the same to gain wrongfully and thereby accused No.1 committed the offence punishable Under Section 34 of Karnataka Excise Act ?*

3. *Whether the prosecution proved beyond all reasonable doubt that on the above said date, time and place, the accused No.2 has sold the said liquor pouches to the accused No.1 in excess of the limit shown on the permit and thereby accused No.2 committed the offence punishable Under Section 36(B) of Karnataka Excise Act ?*

4. *What order ?*

7. The findings of this Court to the aforesaid points are as hereunder;

POINT NO.1	:	In the NEGATIVE
POINT NO.2	:	In the NEGATIVE
POINT NO.3	:	In the NEGATIVE
POINT NO.4	:	As per the final order for the following ;

:- R E A S O N S :-

POINTS NO.1 TO 3:-

8. These points require common appreciation of materials on record. Thus, to avoid repetition of facts and appreciation, the same are taken for common discussion.

9. The prosecution in order to establish the guilt of the accused persons has examined PW1 to PW7, got marked Ex.P1 to Ex.P10 and identified MO.1 to 3.

10. PW2, 4 and 6 are the independent spot and mahazar witnesses and PW3 is the owner of the liquor shop, who turned hostile and not supported the prosecution case. PW2 and 4 have identified Ex.P4-mahazar and MO1 and 2 and PW3 has identified Ex.P8-employee list. They deposed that, They does not know the contents of said documents and do not know what is stated in it and they have not given any statement to the Police. The Learned APP cross examined them, but nothing has been elicited from their mouth to support

the case of the prosecution.

11. When the independent spot as well as recovery mahazar witnesses have turned hostile, then it creates suspicious about the case of the prosecution regarding the recovery of MO.1 to 3 by the Investigating Agency. When the recovery is not proved, then it creates suspicious about the case of the prosecution.

12. PW1 and PW5 are the police officials and raiding parties, in their respective depositions, have deposed in consonance with the complaint averments. In their chief examination they have deposed that on 02.06.2024 at Nagalapura of Makonahalli Village, the accused No.1 were found in possession of 90 ML 30 No.1 Highway Deluxe Whiskey tetra pouches in her house without having any license and permit, they seized under mahazar as per Ex.P4. PW1 had registered FIR and sent the same to jurisdictional court. The PW1 identified the Ex.P1 to 7 and identified his signature as

Ex.P1(a) to 4(a) and 7(a) and identified the MO1 to 3 and identified his signature as MO1(a). The PW5 identified the Ex.P4 and identified his signature at Ex.P4(d) and identified the MO1 and 2.

13. PW7 has deposed to the effect that on 03.06.2024 he received file from PW1 and sent the liquor pouches to FSL and filed charge-sheet and also identified his signatures on Ex.P11 to 16 and they are marked as Ex.P11(a) to 16(a) and identified the MO1 to 3.

14. It is pertinent to mention herein that PW1 and 5 are the raiding parties and PW7 is the further investigation officer and PW1 is the complainant in this case. He completed the part of investigation. PW7 is filed the charge sheet before the Court. Since these witnesses are the official witnesses, their evidence is formal in nature. Therefore, discussion without the supporting evidence by the panchas and other independent

witnesses, their evidence is of no help to the prosecution case.

15. As the pancha witnesses have turned hostile and only based upon the evidence of police officials, this court cannot come to the conclusion that the accused No.1 exceed the permitted quantity, without having license and permit and accused No.2 sell the said liquor pouches excess of the limit shown on the permit and thereby accused persons have committed the offences. Therefore, the evidence on record are not sufficient to prove the guilt of the accused persons. As such, for all these reasons the prosecution has failed to prove its case beyond all reasonable doubts. *Hence this Court has answered Point No.1 to 3 in the Negative.*

POINT NO.4:-

16. In view of findings on the above point, this court proceed to pass the following;

ORDER

Acting under Section 248(1) of CrPC., the accused No.1 and 2 are hereby acquitted for the offences punishable under Sections 32, 34 and 36(B) of Karnataka Excise Act.

The bail bond and surety bond executed by the accused persons and their surety shall be in force for a further period of six months.

MO-1 and 2 being worthless shall be destroyed after appeal period is over and MO-3 cash of Rs.130 is ordered to be confiscated to the State after appeal period.

(Dictated to the Stenographer on computer, corrected and then pronounced by me, in the open Court on this the **09th Day of July, 2026.**)

(YOGESHA.M.R)

PRL. CIVIL JUDGE & JMFC.,
MUDIGERE.

:- ANNEXURE :-**List of the witnesses examined on behalf of Prosecution:**

PW1 : Sreenatha Reddy.V

PW2 : Annegowda
PW3 : Gurucharan
PW4 : Praveen
PW5 : Manjunatha.B.S
PW6 : Thimmegowda

List of the witnesses examined on behalf of accused:

Nil

List of the documents marked on behalf of Prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 : FIR
Ex.P2(a) : Signature of PW1
Ex.P3 : Search Summary Report
Ex.P3(a) : Signature of PW1
Ex.P4 : Mahazar
Ex.P4(a) : Signature of PW1
Ex.P4(b) : Signature of PW2
Ex.P4(c) : Signature of PW3
Ex.P4(d) : Signature of PW5
Ex.P5 : Photo
Ex.P6 : Compact Disc

Ex.P7 : 65(b) Certificate
Ex.P7(a) : Signature of PW1
Ex.P8 : Employee Lists
Ex.P9 : Statement of PW3
Ex.P10 : Statement of PW5
Ex.P11 : Letter
Ex.P11(a) : Signature of PW7
Ex.P12 : FSL Report
Ex.P12(a) : Signature of PW7
Ex.P13-16 : Letters
Ex.P14(a) : Signature of PW7
Ex.P15(a) : Signature of PW7

List of the documents marked on behalf of Accused :

Nil

List of Material objects marked on behalf of Prosecution:

MO.1 : Bag
MO.1(a) : Signature of PW1
MO.1(b) : Signature of PW2
MO.1(c) : Signature of PW4
MO.2 : Empty Tetra pouches

MO.3 : Cash of Rs.130/-

(YOGESHA.M.R)
PRL. CIVIL JUDGE & JMFC.,
MUDIGERE.

VP

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