

KACN320000842021



Presented on : 13-01-2021

Registered on : 13-01-2021

Decided on : 04-06-2026

Duration : 05 years, 04 months, 21 days

**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE &
JMFC, AT KOLLEGALA**

**PRESENT: SRI. M. RANJITH KUMAR B.A,L'.L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.**

Dated on this the 04th day of June - 2026

C.C. No.25/2021

COMPLAINANT	:	State by Excise Sub-Inspector
		(By Sri. APP, Advocate)
		-VS-
ACCUSED	:	Smt.Madevi W/o Muniya, Aged about 51 years, R/at: 4 th Block, Pushpapura Village, Shagya Panchaythi, Hanuru Taluk, Chamarajanagar District.
		(By Sri. S.S.B., Advocate)

Date of occurrence of the offences	:	26.04.2020		
Date the offense was reported in Police Station	:	26.04.2020		
Date of arrest of the accused persons	:	26.04.2020		
Sections charged against Accused persons	:	Under Section 32, 34 of KE Act		
Complaint given by	:	Meena		
Date of start of inquiry	:	12.09.2024		
Date of closure of inquiry	:	04.05.2026		
In favor of the complainant	:	APP		
In favor of the Accused	:	Sri. SSB.,		
Opinion of the presiding officers	:	As per final order		
Date on which the judgment was pronounced	:	04.06.2026		
Total duration	:	Year/s	Month/s	Day/s
		05	04	21

(M.RANJITH KUMAR)

I Addl.Civil Judge & JMFC.,
Kollegala.

J U D G M E N T

1) The state through Excise Sub-inspector, Kolegala division, Kolleala, has filed charge sheet against the accused

for the offences punishable under Section 13, 32(1), 34 and 38 of Karnataka Excise Act.

2) Brief facts of the case:

It is the case of the prosecution that, on 25.04.2020 when CW-1 to 5 were in rounds at Hanur Taluk, Shagya village, during Covid-19 period, the CW-1 has received an information regarding illegal sell of toddy and when the CW-1 to 5 raided the house of the accused, they have found 20 liters of toddy, in the toilet of the accused house and thereafter Cw-1 took said intoxicants and reported the same to CW-7 and the and thereafter the CW-7 registered the case against accused and investigated the case and upon having found guilt against accused, has filed charge sheet against accused, for the offences punishable under section 13, 32,34 and 38A of Karnataka Excise Act.

3) Upon filing of the charge sheet, this Court having found materials to take cognizance, has taken cognizance against the accused and issued process. Upon issuance of

process, the accused appeared through her counsel and copies of the charge sheet materials served to accused in compliance with Section 207 of Cr.P.C.

4) Heard before framing charges, this court having found materials to frame charges, framed charges against the accused. The accused pleaded not guilty and claimed to be tried.

5) The prosecution in order to prove guilt of the accused got examined three witnesses in total and got marked Ex.P-1 to Ex.P-10 and MO-1.

6) Upon completion of prosecution evidence having found incriminating substances against the accused, recorded statement under Section 313 of Cr.P.C. and read over to the accused. The accused denied all the incriminating substances against her and claimed no defense evidence.

7) Heard Learned APP and Learned counsel for the accused, perused materials on record. Accordingly, the following are the points for consideration of this court.

1. *Whether the prosecution beyond all reasonable doubts proves that the accused on 25.04.2020 at about 6.50 P.M at her house in Pushpapura village has illegally found in manufacturing toddy and thereby committed offences under Sections 13 of Karnataka Excise Act?*

2. *Whether the prosecution beyond all reasonable doubts proves that, the accused on 25.04.2020 at about 6.50 P.M at her house in Pushpapura village, with intention to sell, was holding 20 liters of toddy and thereby committed offences punishable under section 32 of Karnataka Excise Act?*

3. *Whether the prosecution beyond all reasonable doubts proves that, the accused on 25.04.2020 at about 6.50 P.M at her house in Pushpapura village, inspite of knowing them as illegal intoxicants was in possession of 20 liters of toddy and thereby committed offences punishable under section 34 of Karnataka Excise Act?*

4. *Whether the prosecution beyond all reasonable doubts proves that, the accused on 25.04.2020 at about 6.50 P.M at her house in*

Pushpapura village, has permitted her house premises for 20 liters of toddy and thereby committed offences punishable under section 38A of Karnataka Excise Act?

5. What Order or Sentence?

8) For the reasons stated below, this court answers the above points for consideration as hereunder :

Point No.1 – In the Negative.

Point No.2 – In the Negative.

Point No.3 – In the Negative.

Point No.4 – In the Negative.

Point No.5 – As per the final order.

REASONS

9) POINT NO.1 to 5:

Since point No.1 to 5 are interconnected and to avoid repetition of facts and circumstances, they are taken together for common discussion.

10) It is the case of the prosecution that, on 25.04.2020 at about 6.50 P.M the accused is found in possession of 20 liters of toddy in house toilet. The The prosecution in order to prove guilt of the accused has got examined 3 witnesses in total in which the CW-1 is got examined as PW-1, CW-3 one of the raid witness is got examined as PW-2 and the I.O CW-7 is got examined as PW-3. The prosecution also got marked Ex.P1 to Ex.P-10, in which Ex.P-1 is the mahazar, Ex.P-2 is the search warrant, Ex.P-3 is the list of articles, Ex.P-4 is the property form, Ex.P-5 is the self report, Ex.P-6 is the FIR, Ex.P-7 is the FSL Report, Ex.P-8 is the letter of correspondence to Panchayath Development officer, Shagya Panchayath, Ex.P-9 is the reply given by the complaint given by Panchayath Development officer, Shagya Panchayath and Ex.P-10 is the certified copy of the demand register.

11) On perusal of the entire materials on record it could be observed that, the raid witnesses CW-1 and 3 who are got examined as PW-1 and 2 have reiterated the averments found in the Mahazar at Ex.P-1 and self report at Ex.P-5 and from

the oral testimony of PW-1 and 2 and documentary evidence at Ex.P-1 and 5, it could be observed that, the prosecution claim that, on 25.04.2020 at about 6.50 P.M when the CW1 to 5 have raided the house of the accused, in the toilet they have found three aluminum vessel and another aluminium vessel of 20 liters and in those vessels they have found 20 liters of toddy and taps of toddy prodcing tree and the PW-1 and 2 also claimed to have seized all of those articles and it is also mentioned in the list of articles at Ex.P-3, but they are not prdcued before this court and to such non-production it is the claim of the PW-2 that, they have destroyed all of them, but no single paper is found in the prosecution evidence showing disposal of the articles seized. Thus in the absence of document for showing disposal of the property seized, the very seizure of the articles would be in susbpeicion and if the articles found at the alleged place of incident are not proved to be sized, the alleged offence cannot be inducted against the accused. Thus this court if of the opinion that, the non-production of evidence for disposal of seized articles would

certainly create reasonable doubt in the mind of this court and as the law is settled, the benefit of reasonable doubt would go to the accused. Accordingly this court answers **Point No.1 to 4 in the Negative.**

12) POINT NO.5:For the reasons stated above this court proceeds to pass the following order.

:- ORDER:-

Acting under Section 248(1) of Code of Criminal procedure code, the accused is acquitted of the offence punishable under section 13, 32, 34 and 38A of the Karnataka Excise Act.

All bail bonds stands cancelled and sureties stands cancelled. However bail bonds and sureties shall be in force for six months, till completion of appeal period.

Since MO-1 is worthless, it is ordered to be destroyed after completion of appeal period.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 4th day of June 2026).

(M.RANJITH KUMAR)

I Addl.Civil Judge & JMFC.,
Kollegala.

ANNEXURE**List of witnesses examined for Complainant:**

PW-1 : Smt. Meena
PW-2 : Sujanraj.N
PW-3 : Tanvir.K

List of documents exhibited for Complainant:

Ex.P1 : Spot and seizure mahazar
Ex.P1(a) & (b) : Signatures
Ex.P2 : Search Warrant
Ex.P2(a) : Signature
Ex.P3 : List of Articles
Ex.P3(a) : Signature
Ex.P4 : PF
Ex.P4(a) : Signature
Ex.P5 : Self Complainant
Ex.P5(a) : Signature
Ex.P6 : FIR
Ex.P6(a) : Signature
Ex.P7 : FSL Report
Ex.P7(a) : Signature
Ex.P8 : Letter of Panchayath development officer
Ex.P8(a) : Signature
Ex.P9 : Reply
Ex.P10 : Form No.53
Ex.P8 : FSL Report
Ex.P8(a) : Signature

List of witnesses examined for Accused:

- Nil -

List of documents exhibited for the Accused:

- Nil -

List of Material objects got marked by prosecution:

MO.1 : A plastic bottle containing one liter of jaggery
slurry

(M.RANJITH KUMAR)

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(Order pronounced in Open Court vide separate Order)

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