

KAGD410006812022



Presented on : 07-02-2022
Registered on : 07-02-2022
Decided on : 16-06-2026
Duration : 04 years, 04 months, 09 days

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC,
AT: RON
-PRESENT-**

**HULUGAPPA D.
B.A.LL.B.
Principal Civil Judge & JMFC, Ron.**

Dated this 16th day of June, 2026

Criminal Case No.87/2022

Complainant:

Gajendragad Police Station.
(By the learned APP)

-Versus-

Accused:

Laxman S/o Andappa Ajmeer,
Age: 30 years, Occ:Coolie,
R/o. Lamani Thanda, Gajendragad,
Tq: Gajendragad, Dist:Gadag.

(By Sri.S.R.K., Advocate)

1. Date of Commission of offence : 03.06.2021
2. Date of report of offence : 03.06.2021



3. Date of arrest of accused : -----
4. Date of evidence commenced : 11.07.2023
5. Date of closing of evidence : 13.05.2026
6. Name of the complainant : Gurushant Dashyal
PSI
7. Offences complained of : Under Sec. 32 and 34
of Karnataka
Excise Act.
8. Opinion of Judge : **Accused not found
guilty**
9. Order or sentence : As per final order.

J U D G M E N T

1. The PSI of Gajendragad Police station has filed the charge-sheet against the accused for the offences punishable under sections 32 and 34 of Karnataka Excise Act.

The brief facts of the case of the prosecution are as follows:

2. On 03.06.2021 at about 08-00 am, while the complainant was on duty at the police station, he received a credible information that Kittur Rani Chennamma of Gajendragad city on the road near the park, one person was illegally transporting liquor for sale in a two-wheeler vehicle, then under the guidance of Dy.S.P Nargund and CPI Ron, they



went in their government jeep No. KA-26/G-310 along with their staff and panchas and left the police station at 08-30 am and stopped their jeep on the side of the road near Rani Chennamma Park, when they saw a suspicious person coming with a bag on his motorcycle, they signaled him to stop and he stopped the motorcycle. On enquiry, he stated his name as Laxman S/o Andappa Ajmeer resident of Gajendragad Lamani Thanda of Gajendragad Taluk. Thereafter, a search warrant was prepared on the spot and the vehicle was searched in the presence of panchas and it was a Honda Shine Company Motor -Cycle bearing No.KA-26/ED-4429 and a white bag was on the vehicle and 82 tetra packets of Old Tavern Whiskey of 90 ML each and 74 tetra packets of Bagpiper Company of 90 ML each were found in the said bag which were said to be seized on spot. The accused was carrying the said liquor to sell to the public for his benefit without having any valid license or permit from the competent authority.



3. Thereafter, the complainant– CW.1 drew the Mahazar in the presence of panchas and seized the articles. The Investigating Officer – CW.9 after completion of investigation she filed the charge-sheet against the accused for the aforesaid offences.

4. Upon receipt of the charge-sheet, the court has taken the cognizance of aforesaid offences and copy of the charge-sheet was duly furnished to the accused as required U/Sec.207 of Cr.P.C. As the case is of warrant trial and since there were no grounds for discharge, the charge was duly framed and read over to the accused. The accused pleaded not guilty and claimed to be tried. Therefore, matter was got posted for trial.

5. The prosecution, in order to prove the guilt against the accused, has examined Seven witnesses as PW.1 to PW.7 and got marked the documentary evidence as Ex.P.1 to Ex.P.6 and also got marked MO.1 and 2. After closure of the evidence of the prosecution, the accused was examined U/Sec.313 of Cr.P.C. Thus accused has not led any evidence.



6. I have heard the learned A.P.P. appearing for the state and the learned counsel appearing for the accused and perused the material available on record carefully.

7. The following points that arise for my consideration:

:POINTS:

1. Whether the prosecution proves beyond all reasonable doubt that on 03.06.2021 at about 09.00 am, within the limits of Gajendragad police station, near Kittur Rani Channamma Park at Gajendragad Town, accused used his vehicle and found in possession of 82 tetra packets of Old Tavern Whiskey containing 90 ML each and 74 tetra packets of Bagpiper containing 90 ML each and carrying the same to sell to the public for his benefit without having any valid license from the competent authority and thereby committed an offence punishable U/Secs.32 and 34 of Karnataka Excise Act?
2. What order?



8. My findings to above raised 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

9. **Point No.1:-** The prosecution has relied upon the oral evidence of PW.1 to PW.7 and also has relied upon Ex.P.1 to Ex.P.6 and also material objects which are got marked as MO.1 and 2. The Ex.P.1 is the Raid panchanama. Ex.P.2 is the Report of CW.6. Ex.P.3 is the FSL Report. Ex.P.4 is the RTC Extract. Ex.P.5 is the Complaint. Ex.P.6 is the FIR.

10. PW.1 and PW.2 are the mahazar panchas to Ex.P.1 as per prosecution case but, they have not supported the case of the prosecution. Indeed, they have turned hostile and even though treating them as hostile witnesses by the learned APP but no worth is elicited from their mouth during the course of cross-examination. Therefore, the evidence of PW.1 and PW.2 is not helpful to the prosecution.



11. CW.1 – the then PSI of Gajendragad Police station – the complainant has been examined as PW.7. He has deposed in his examination-in-chief that on 03.06.2021 at 8.00 a.m, when he was at the police station, he received a credible information that one person was illegally transporting liquor in his vehicle on public road near Kittur Chennamma Park in Gajendragad. Then, he along with staff and panchas went to the spot. It was confirmed that a person was carrying Tetra packets on a bike on the said road. On enquiry he stated that his name was Laxman S/o Andappa Ajmeer and that he did not have any permission to sell liquor. Later, the vehicle was checked and it was a Honda Shine company vehicle bearing No.K.A-26/ED-4429. Then on search of the bag on the vehicle 82 tetra packets of 90 ml of Old Tavern Company and 74 tetra packets of 90 ml of Bagpiper Company were found, they were seized in the presence of panchas and a panchanama was conducted from 09.00 am to 10.00 am and a total of 2 tetra packets, one from each company, were taken for sample. Then, along with the seized articles and the accused, he went to the police station and filed a complaint.



CW.5 is the then police constable of Gajendragad Police station has been examined as PW.4 and he has also deposed in his evidence the same facts as stated by PW.7.

12. CW.6 the then police constable of Gajendragad police station has been examined as PW.5. In his examination in chief, he deposed that on 25.06.2021 he took the seized material to the FSL Lab, Dharwad for examination and given his report to the SHO.

13. CW.9 - another Investigating Officer has been examined as PW.3. In his examination in chief, he has deposed that on 28.10.2021 he took case file for further investigation and after completion of investigation he has submitted charge-sheet against the accused. The learned counsel for the accused has cross-examined the PW.3 to PW.7 at length. In their cross-examination, PW.3 to PW.7 have denied the suggestions put forward by the learned counsel for the accused.

14. In order to attract the provision of Secs.32 and 34 of the Act, the burden is on the prosecution to prove that the



accused was found in possession of illicit liquor. As far as, recovery aspect is concerned, admittedly pancha witnesses have been examined as PW.1 and PW.2 and they have turned hostile to the prosecution case. They did not support the prosecution version and even during the course of cross examination by learned APP, nothing has been elicited to prove that in their presence the said liquor was seized from accused and in their presence sample was taken. On going through entire material on record, the prosecution has not placed any reliable and cogent evidence to prove that the liquor has been seized from the accused.

15. It is well settled law that evidence of the official witnesses is not to be disbelieved or discarded merely for the reason that they are official witnesses. If the evidence of the police witnesses inspired the confidence of the court, then court can rely upon the evidence of the said witnesses. As discussed above, the prosecution has not placed any reliable and cogent evidence to prove that the liquor has been seized from the



accused. Therefore, though PW.3 to PW.7 being official witnesses have deposed in support of version of prosecution, there is no any such circumstances and evidence which inspires the confidence of the court to rely upon the evidence of the official witnesses.

16. Further, It is well established principle of law that, if any doubt arises in the case of prosecution, then the benefit of doubt should go to the accused. Therefore, on appreciation of oral and documentary evidence adduced by the prosecution and in view of discussion made supra, I am of the opinion that the prosecution has failed to prove the guilt against the accused beyond all reasonable doubt. Accordingly, I answer the Point No.1 in the Negative.

17. POINT NO.2:- For the foregoing reasons, I proceed to pass the following:-

ORDER

Acting U/Sec.248(1) of Cr.P.C., the accused is acquitted for the offence punishable U/Secs. 32 and 34 of Karnataka Excise Act.



The bail bond and surety bond shall be in force for the period of 6 months.

MO.1 and 2 seized articles being worthless are ordered to be destroyed after appeal period is over.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open court on this 16th day of June, 2026).

(HULUGAPPA D.)
Prl. Civil Judge & JMFC, Ron.

ANNEXURE

1. Witnesses examined for the Prosecution:

PW.1 : Parashuram Durgappa Madar Rathod
PW.2 : Umesh Muttappa Rathod
PW.3 : Bheemappa Hanamappa Kataral
PW.4 : Sangappa Veerappa Halabagila
PW.5 : Praneshappa Udachappa Allalli
PW.6 : Shivappa Siddappa Hulluru
PW.7 : Gurushanta Sahebagouda Dashyala

2. Witnesses examined for the accused:

-NIL-

3. Documents exhibited for the Prosecution:

Ex.P.1 : Seizure Panchanama
Ex.P.1 (a to c): Signatures of PW.1, 2 and 7
Ex.P.2 : Report of CW.6



- Ex.P.2(a) : Signature of PW.5
Ex.P.3 : FSL Report
Ex.P.3(a) : Signature of PW.6
Ex.P.4 : RTC Extract
Ex.P.4(a) : Signature of PW.6
Ex.P.5 : Complaint
Ex.P.5(a) : Signature of PW.7
Ex.P.6 : FIR
Ex.P.6(a) : Signature of PW.7

4. Material objects marked:

- M.O.1 and 2: Sample tetra packets.

(HULUGAPPA D.)

Prl. Civil Judge & JMFC, Ron.