

KAHS510002522018



Presented on : 23-02-2018  
Registered on : 23-02-2018  
Decided on : 06-06-2026  
Duration : 08 years, 03 months, 13days

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

**Present:-**

**Sri. Nagendra.,**  
**B.A., LL.B.,**  
**Prl.Civil Judge and JMFC., Belur.**

**Dated this, the 06<sup>th</sup> day of June 2026**

**C.C.No.88/2018**

**State of Karnataka**  
**by Excise Police, Belur**

**...Complainant**

(By - Assistant Public Prosecutor)

**-Versus-**

Smt.Sumithra  
W/o.Ravi,  
Aged about 30 years,  
R/o.Halmidi Village,  
Kasaba Hobli, Belur Taluk,  
Hassan District.

**... Accused**

(By **Sri. BSG.**, Advocate for Accused)

- 1) Date of Commencement of offences : 13.04.2017
- 2) Date of report of offences : 13.04.2017

- 3) Arrest of the Accused : 13.04.2017
- 4) Date of accused released on bail : 15.04.2017  
The period undergone in custody : 2 Days
- 5) Name of the complainant : Smt. M.J.Anitha.
- 6) Date of recording of evidence : 26.08.2022
- 7) Date of closing evidence : 27.02.2026
- 8) Offences complained of : U/s. 13(1)(A)  
R/w.sec.32(1) and 38(A)  
of Karnataka Excise Act.
- 9) Opinion of the Judge : Accused not found guilty.

### **J U D G M E N T**

The instant charge sheet has been filed by Excise Inspector, Belur Division against the accused persons for the offences punishable Under Section 13(1)(A) R/w.sec.32(1) and 38(A) of Karnataka Excise Act.

2. It is the case of the prosecution that, on 13.04.2017 at 9.00 am., the accused in her house situated at Halmidi Village, Kasaba Hobli, Belur Taluk was found in possession of 30 litre of Jaggery waste and 5 litre of illicit liquor without possessing any pass or permit with an intention to sell the same and thereby committed the offences punishable under Sec.13(1)(A) R/w.sec.32(1) and 38(A) of Karnataka Excise Act.

3. On receipt of charge sheet, the presence of the accused was secured as she has been earlier released on bail. Copy of the charge sheet was furnished to the accused as contemplated U/s.207 of Cr.P.C. On a

subsequent date, charge was framed and accused was pleaded not guilty and claimed to be tried. Hence, the case was posted for evidence on prosecution side.

4. On completion of the prosecution evidence, 313 statement of the accused was recorded, wherein the accused was given an opportunity to explain the incriminating circumstances appearing against her in the evidence of the prosecution witnesses. The accused has denied all the allegations levelled against her and did not choose to adduce any evidence for her defense.

5. Upon hearing arguments on both sides, the following points would arise for my consideration: -

1. **Whether the prosecution proves beyond reasonable doubt that on 13.04.2017 at 9.00 am., in Halmidi Village, Kasaba Hobli, Belur Taluk the accused in her house was found in possession of 30 litre of Jaggery waste and 5 litre of illicit liquor without possessing any pass or license with an intention to sell the same and thereby committed the offences punishable under Sec. 32(1) of Karnataka Excise Act?**
2. **Whether the prosecution proves beyond reasonable doubt that on the said date, time and place the accused has permitted her house to possess the said illicit liquor and**

**thereby committed the offences punishable under Sec. 38(A) of Karnataka Excise Act?**

3. **Whether the prosecution proves beyond reasonable doubt that on the said date, time and place the accused knowing fully aware that the said illicit liquor is unfit for human consumption has possessed the same illegally and thereby committed the offences punishable under Sec. 272 of IPC?**
4. **What order?**

6. My findings on the above points are as under:-

**Point No.1 to 3: In the Negative.**

**Point No.4: As per final order for the following:-**

#### **REASONS**

7. **Point No.1 to 3:** To avoid the repetition of facts, I have taken all 3 points together for my discussion.

8. The prosecution to establish the guilt of the accused has examined 5 witnesses as P.W.1 to P.W.5 and got marked 6 documents at Ex.P.1 to Ex.P.6 and M.O.1 and 2 have been got marked.

9. CW-5-PW-5 M.J.Anitha who is the Excise Inspector has stated that, from August 2016 to July 2019 she worked as Excise Inspector at Deputy Superintendent of Excise at Hassan Sub-division. She deposed that on 13.04.2017 at 8.35 am., when she was on patrolling duty in Belur

Town received information that one person by name Sumithra W/o.Ravi R/o.Halmidi Village was selling illicit liquor illegally. Upon the said information she has secured CW1 and 2 as panchas in the Halmidi Village and informed them to cooperate at the time of ride and they have agreed for the same. She deposed that, after reaching the house of the accused with the CW1 and 2 she has called the person in the house and at that time one woman came out from the house and told that her name is Sumithra W/o.Ravi. PW5 further deposed that, since there is no time to get the search warrant from the court by exercising the power conferred under sec.54 of the Karnataka Excise Act search warrant has been prepared at the spot. While searching the house they found 5 litre of illicit liquor in plastic can and 30 litre of jaggery waste in 2 plastic pots. She deposed that the accused informed that she was possessed the said articles for purpose of sale. PW5 deposed that she has taken 500 ml from Jaggery waste and 500 ml illicit liquor in 2 plastic bottles for the purpose of chemical examination and tied with cloth thread and affixed the seal and chits containing the signature of panchas. It is deposed that after preparing the model seal same has been affixed to the said articles. Mahazar has been drawn from 9.10 to 10.30 am and after returning to the office prepared the FIR and same has been submitted to the court. PW5 deposed that she has handed over the case file to the CW6 for further investigation of the case. Signature on Ex.P.1 is marked as Ex.P.1(d). Signature on Ex.P.2 is marked as Ex.P.2(c). Search warrant is marked as Ex.P5 and signature on the same is marked as Ex.P5(a). FIR is marked as Ex.P6 and signature on the same is marked as Ex.P.6(a). MO.1 and 2 have been

identified. The Learned counsel for the accused has cross examined the PW-5.

10. CW-3-PW-1 C.R.Devarju who is the Excise constable has deposed that from 2011 to 2021 he worked as Excise constable in the office of Deputy Commissioner Excise Hassan. He deposed that on 13.04.2017 at 9.00 am., when he was on patrolling duty in Belur Town with CW5 on the information that illicit liquor was illegally selling in Halmidi Village, CW1 and 2 have been secured as panchas and went to the house of the accused and informed accused about the ride. He deposed that in the presence of panchas entered the house of the accused and while searching found 5 litre of illicit liquor in plastic can and 30 litre of jaggery waste in 2 plastic pots. He deposed that 500 ml from the illicit liquor and 500 ml from jaggery waste has been taken for chemical examination and tied with cloth thread and affixed the chit containing the signature of panchas. He deposed that mahazar has been drawn from 9.10 to 1.30 am. Mahazar is marked as Ex.P1 and signature on the same is marked as Ex.P.1(a). MO.1 and 2 have been identified. The Learned counsel for the accused has cross examined the PW-1.

11. CW-6-PW-4 Venkatesh H.K., who is the Excise Inspector deposed that from August 2017 to January 2018 he worked as Excise Inspector at Belur Division. He deposed that on 15.10.2017 received the case file from Excise Inspector M.K.Keshavamurthy and on 16.10.2017 received FSL report. He deposed that on 09.11.2017 he has received the

title details from the Narayanapura Grama Panchayath and after completing the investigation on 05.11.2017 he has filed charge sheet against the accused. FSL report is marked as Ex.P3 and title details of house of accused is marked as Ex.P4. The learned counsel for the accused has cross-examined the P.W.4.

12. On submission of Learned APP CW4 has been given up.

13. Though the complainant has stated that she has seized MO.1 and 2 in the presence of panch witness and drawn panchanama, it is very pertinent to note that the prosecution has not been able to prove the panchanama as the panch witness examined in the instant case i.e. CW1-PW2 Channakeshava S/o.Rangappa and CW.2-PW.3 Eraiah S/o.Doddaiah in their chief examination stated that, they have signed Ex.P.1 and Ex.P.2 about 4-5 years back at Belur Bus Stand and Channakeshava Temple and does not know the contents of Ex.P.1 and Ex.P.2. PW2 and 3 further deposed that no panchamana has been prepared in their presence and no materials have been seized under the panchanama. Signature on Ex.P1 is marked as Ex.P1(b) and 1(c) and Model seal has been marked as Ex.P.2 and signature on the same is marked as Ex.P2(a) and 2(b). PW2 and 3 have turned hostile and when cross examined by the learned APP and suggested that, the Excise PSI of Belur drawn the panchanama in their presence and seized the materials, but the PW2 and 3 have denied witnessing the same. Since, the prosecution has not been able to prove the panchanama and since no independent witnesses whatsoever have been examined in the instant case and taking into consideration of all the above

mentioned circumstances, I am of the opinion that, the accused is deserves for an order of acquittal, as the prosecution due to the above mentioned lapses cannot establish the guilt of the accused beyond all reasonable doubt. Hence, **Point No.1 to 3 are answered in the Negative.**

14. **Point No.4:** In the result, I proceed to pass the following:

**ORDER**

Acting U/s.248(1) of the Code of Criminal Procedure, I acquit the accused for the offences punishable **U/Sec.32(1) and 38(A) of Karnataka Excise Act and Sec.272 of IPC.**

The bail bond and surety bond of the accused stands extended for a period of 6 months in compliance of Section 437-A of Cr.PC.

*(Dictated to the Stenographer and typed by her on the computer, corrected by me and then pronounced in the open court on this, **06<sup>th</sup> day of June 2026**)*

**(Sri.Nagendra)**  
**Prl. Civil Judge & JMFC., Belur.**

**ANNEXURE**

**WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:**

PW.1: Sri. C.R.Devaraju S/o.Raju.

PW.2: Sri. Channakeshava S/o.Rangappa.

PW.3: Sri. Eraiah S/o.Doddaiha.

PW.4: Sri. Venkatesh H.K. S/o.Krishnegowda H.K.  
PW.5 : Smt.Anitha M.J. W/o.Raju.

**FOR DEFENCE:** Nil.

**DOCUMENTS MARKED ON BEHALF OF PROSECUTION:**

Ex.P.1 : Spot and Seizure Mahazar  
Ex.P.1(a) : Signature of PW.1  
Ex.P.1(b) : Signature of PW.2  
Ex.P.1(c) : Signature of PW.3  
Ex.P.1(d) : Signature of PW.5  
Ex.P.2 : Model seal  
Ex.P.2(a) : Signature of PW.2  
Ex.P.2(b) : Signature of PW.3  
Ex.P.2(c) : Signature of PW.5  
Ex.P.3 : FSL report  
Ex.P.4 : Letter written by PDO,  
Narayanapura Grama Panchayath  
to Excise Inspector, Belur.  
Ex.P.5 : Search Warrant  
Ex.P.5(a) : Signature of PW.5  
Ex.P.6 : FIR  
Ex.P.6(a) : Signature of PW.5

**MATERIAL OBJECTS MARKED FOR PROSECUTION:**

M.O.1 and 2: 2 Plastic Bottles.

**FOR DEFENCE:** Nil.

**(Sri.Nagendra)**  
**Prl. Civil Judge and JMFC., Belur.**