

KAHS510007762018



Presented on : 09-07-2018
Registered on : 09-07-2018
Decided on : 16-04-2026
Duration : 07 years, 08 months, 37days

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 16th day of April 2026

C.C.No.289/2018

**State of Karnataka
by Halebeedu Police**

...Complainant

(By - Assistant Public Prosecutor)

-Versus-

Sri.Ravi
S/o. Nanjaiah,
Aged about 38 years,
R/o. Dombarahatti
Shivanenahalli Village,
Halebeedu Hobli,
Belur Taluk, Hassan District.

... Accused

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

- 1) Date of Commencement of offences : 04.04.2018
- 2) Date of report of offences : 05.04.2018
- 3) Arrest of the Accused : --
Date of accused released on bail : 31.08.2019
The period undergone in custody : --
- 4) Name of the complainant : Sri.Vijaykrishna
- 5) Date of recording of evidence : 04.03.2022
- 6) Date of closing evidence : 07.02.2026
- 7) Offences complained of : U/s. 32 and 34 of Karnataka
Excise Act.
- 8) Opinion of the Judge : Accused not found guilty.

J U D G M E N T

The instant charge sheet has been filed by PSI Halebeedu against the accused for the offences punishable Under Section Sec.32 and 34 of Karnataka Excise Act.

2. It is the case of the prosecution that, on 04.04.2018 at about 4.45 pm., in the public place in front of the house situated at Dombarahatti Village, Shivanenahalli Dakle, Halebeedu Hobli, Belur Taluk, the accused was found in possession of 180 ml., Old Taverin Whisky 5 sachets, 90 ml., Raja Whisky 10 sachets and 90 ml., Amruth Silver Cup Brandy 10 sachets without possessing any pass or permit with an intention to sell the same and thereby committed the offences punishable under Sec.32 and 34 of Karnataka Excise Act.

3. On receipt of charge sheet, the presence of the accused was secured as he 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 him in the evidence of the prosecution witnesses. The accused has denied all the allegations levelled against him and did not choose to adduce any evidence for his 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 04.04.2018 at about 4.45 pm., in the public place in front of the house situated at Dombarahatti Village, Shivanenahalli Dakle, Halebeedu Hobli, Belur Taluk, the accused was found in possession of 180 ml., Old Taverin Whisky 5 sachets, 90 ml., Raja Whisky 10 sachets and 90 ml., Amruth Silver Cup Brandy 10 sachets without possessing any pass or license with an intention to sell the same and thereby committed the offences**

punishable under Sec. 32 of Karnataka Excise Act?

2. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place the accused with an intention to earned the money illegally without any permission of the government has selling the illicit liquors illegally and thereby committed the offences punishable under Sec. 34 of Karnataka Excise Act?

3. What order?

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

Point No.1 and 2: In the Negative.

Point No.3: As per final order for the following:-

REASONS

7. **Point No.1 and 2:** To avoid the repetition of facts, I have taken all 2 points together for my discussion.

8. The prosecution to establish the guilt of the accused has examined 6 witnesses as P.W.1 to P.W.6 and got marked 7 documents at Ex.P.1 to Ex.P.7 and M.O.1 to M.O.3 have been got marked.

9. CW-1-PW-1 Vijay Krishna who is the PSI of Halebeedu Police Station has stated that, from March 2018 to June 2018 he worked as PSI

at Halebeedu Polcie Station. He deposed that on 04.04.2018 at about 4.00 pm., when he was in station received information that one person by name Ravi R/o.Shivanenahalli Village, Halebeedu Hobli was selling liquor illegally without permission. Upon the said information he along with CW2 and 3 have went to the Shivanenahalli Village and secured CW4 and 5 as panchas and request them to cooperate at the time of ride. The panchas agreed for the same and accompanied with them. On reaching the house of the accused at 4.45 pm, he found that the accused selling illicit liquor in front of his house illegally and when questioned the accused he told that his name is Ravi S/o. Nanjaiah R/o.Shivanenahalli Village and also told that without any permission he selling the illicit liquor. On verification of the liquor they found 180 ml., Old Taverin Whisky 5 sachets, 90 ml., Raja Whisky 10 sachets and 90 ml., Amruth Silver Cup Brandy 10 sachets. Thereafter in the presence of the panchas they have seized the said articles and drawn the panchanama 5.00 pm to 5.45 pm. PW1 further deposed that, they have taken each one sachet from the seized articles for the purpose of chemical examination and thread with cloth and affixed the seal of 'O' to the seized articles. After returning to the office with the accused and seized articles he has handed over the accused and seized articles to the SHO of the Police Station. Compliant has been marked as Ex.P1 and signature on the Ex.P1 is marked as Ex.P1(a), Spot and seizure Mahazar has been marked as Ex.P2 and signature on the Ex.P2 is marked as Ex.P2(a) and MO 1 to 3 have been identified. The learned counsel for the accused has cross-examined the P.W.1.

10. CW-2-PW-2 Punith U.R. who is the Police constable of Halebeedu Police Station has stated that, from 2017 to 2022 he worked as constable in Halebeedu Police station. He deposed that on 04.04.2018 at about 4.00 pm., CW1 has called him and CW3 to went to the ride and accordingly at 4.10 pm., they went to the Shivanenahalli Dommarahatti Village, Halebeedu Hobli and secured CW4 to 6 as panchas and request them to cooperate at the time of ride and the panchas have agreed for the same and accompanied with them. It is deposed that at 4.45 pm., when they have went to the house of the accused, they found that the accused was possessing illicit liquor in block colour plastic cover in front of his house. When they questioned him he told that his name is Ravi S/o.Nanjaiah. When the verified the illicit liquor in the presence of panchas they found 180 ml., Old Taverin Whisky 5 sachets, 90 ml., Raja Whisky 10 sachets and 90 ml., Amruth Silver Cup Brandy 10 sachets. Thereafter in the presence of the panchas they have seized the said articles and drawn the panchanama 5.00 pm to 5.45 pm. PW2 further deposed that, they have taken each one sachet from the seized articles for the purpose of chemical examination and thread with cloth and affixed the seal to the seized articles. It is deposed that after returning to the police station at 6.15 pm., he has given statement to the CW10. Signature on Ex.P2 is marked as Ex.P2(b) and MO.1 to 3 have been identified. The learned counsel for the accused has cross-examined the P.W.2.

11. CW-10-PW-6 Govindappa, who is the ASI of Halebeedu Police Station has deposed that, from 2017 to 2020 he worked as ASI at

Halebeedu Police Station. He deposed that, on 04.04.2018 when he was on SHO duty, received report, mahazar and seized articles from the CW1 and registered the case in Crime no.116/2018 U/sec.32 and 34 of KE Act and submit the FIR to the Court. He deposed that he has taken each one sachet from the seized articles for the purpose of chemical examination and affixed the seal of O to the seized articles and obtained the signature of panchas. He deposed that he has recorded the statement of CW2 to 6. PW6 further deposed that he has send the CW9 for chemical examination with the samples. On 26.06.2018 he has received the FSL report and after completion of investigation he has filed charge sheet against the accused. Signature on Ex.P1 is marked as Ex.P1(d). FIR is marked as Ex.P6 and signature on the same is marked as Ex.P6(a), FSL report is marked as Ex.P7 and signature on the same is marked as Ex.P7(a) and MO1 to 3 have been identified. The learned counsel for the accused has cross-examined the P.W.6.

12. On submission of Learned APP CW3 and 7 to 9 have been given up.

13. Though the complainant has stated that he has seized MO.1 to 3 in the presence of panch witnesses and drawn panchanama, it is very pertinent to note that the prosecution has not been able to prove the panchnama as the panch witnesses examined in the instant case i.e. CW4-PW.3 Swamy D.K., CW6 – PW4 Umesh and CW5-PW5 Rangaswamy have stated in their chief examination that, they have signed Ex.P.2

about 6 years back at Halebeedu Police Station and does not know the contents of Ex.P.2. PW3 to 5 further deposed that no panchamana has been prepared in their presence and no materials have been seized under the panchanama. Signatures on the spot and seizer mahazar have been marked as Ex.P.2(c), Ex.P2(d) and Ex.P2(e). P.W.3 to 5 have turned hostile and when cross examined by the learned APP and suggested that, the PSI of Halebeedu has drawn the panchanama in their presence and seized the materials, but the PW.3 to 5 have denied witnessing the same. Since, the prosecution has not been able to prove the mahazar and seizure 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 and 2 are answered in the Negative.**

14. **Point No.3:** 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 and 34 of Karnataka Excise Act.**

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, **16th day of April 2026**)*

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

ANNEXURE

WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:

- PW.1 : Sri. Vijaykrishna S/o.Late Narayanappa.
PW.2 : Sri. Punith U.R. S/o.Ravikumar.
PW.3 : Sri. Swamy D.K. S/o.Kalappa.
PW.4 : Sri. Umesh S/o.Venkatappa.
PW.5 : Sri. Rangaswamy S/o.Dummaiah.
PW.6 : Sri. Govindappa S/o.Late Nigappa.

FOR DEFENCE: Nil.

DOCUMENTS MARKED ON BEHALF OF PROSECUTION:

- Ex.P.1 : Complaint
Ex.P.1(a) : Signature of PW1
Ex.P.1(b) : Signature of PW6
Ex.P.2 : Mahazar
Ex.P.2(a) : Signature of PW1
Ex.P.2(b) : Signature of PW2
Ex.P.2(c) : Signature of PW3
Ex.P.2(d) : Signature of PW4
Ex.P.2(e) : Signature of PW5

Ex.P.3 : Statement of PW3
Ex.P.4 : Statement of PW4
Ex.P.5 : Statement of PW5
Ex.P.6 : First Information Report
Ex.P.6(a) : Signature of PW.6
Ex.P.7 : FSL report
Ex.P.7(a) : Signature of PW.6

MATERIAL OBJECTS MARKED FOR PROSECUTION:

MO 1 to 3 : Sachets.

FOR DEFENCE: Nil.

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