



Presented on : 29-11-2017
 Registered on : 29-11-2017
 Decided on : 09-03-2026
 Duration : 8 years, 3 months, 10 days

IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C. SEDAM

Dated this the 09th day of March-2026

Present: Sri. Balu
B.A.,L.L.B
Civil Judge & JMFC.,Sedam.

C.C.No.724/2017

COMPLAINANT	The State Represented by Excise PS Sedam range.
(By APP)	
V/S.	
ACCUSED	Jayaprakasha S/o Ramachandra Devarkonda, Age: 29 years, Occ:Kirana business, R/o Kanderayanpalli village, Tq: Sedam.
(Accused by Sri.A.M Adv)	

1	Date of commission of offence	11.06.2017
2	Name of the Complainant	Sri.Doddappa Hebale, Excise Inspector
3	Date of commencement of evidence	18.06.2025
4	Date of conclusion of evidence	25.02.2026
5	Nature of offence	Section U/Sec.32, 34 of KE Act



	and 273 of IPC
6	Opinion of the judge As per final order

**Sd/-
(Balu)
Civil Judge and JMFC,
Sedam**

J U D G M E N T

The accused has faced trial for the offence punishable U/sec.273 of Indian Penal Code and U/sec.32 and 34 of Karnataka Excise Act, upon charge sheet filed by the Excise Sub-Inspector, Sub-division Chittapur.

2. The brief facts of the prosecution case is as under:

On 11.06.2017 at 11.20 Am while common excise raid by Karnataka and Telangana state excise officers came near the Kirana shop of Ramachandra Devarkonda at that time one person who present in the shop tried to escape by closing the shop, but the excise officials catch hold him. Thereafter, police have made a raid on accused shop, upon search they found jaggery in 16 boxes each containing 19 kg of jaggery total 300 kgs., Navasagar in 4 bags, each containing 25 kgs, total 100 kgs and Spatik in two bags each containing 50 kgs, total 100 kgs. Thereafter, police have enquired accused about his name and address for that he informed as Jayaprakash S/o Ramachandra Devarkond, Age: 29 years, Occ: Business, R/o Ramachada, Mudhol, Tq: Sedam. Thereafter, they have



asked that, from which he used to brought that objects and selling to whom for that accused has informed as, he used to bring from Hyderabad and sell to tandas and village people to prepare ಕಳ್ಳಭಟ್ಟಿ ಸರಾಯಿ. Thereafter police have seized the material objects and taken the accused into custody. Thereafter, police have seized 50 grams each of jaggery in 16 packets, Navasagar 200 gramas in 4 packets and spatik 100 grams in 2 packets separately for the purpose of chemical analysis and sealed as "420" in the presence of panchas. Thereafter drawn the panchanama on the same day from 11.30 am to 12.50 am.

3. On the basis of First Information Statement and seizure memo the case has been registered against the accused under crime No.102/2016-17 for the offence punishable U/Sec.13, 14, 15 and section 32 and 38(A) of Karnataka Excise Act . The accused was remanded to judicial custody and later on enlarged on bail. Thereafter, investigation officer has recorded statement of witnesses, collected the chemical analysis report and later than filed charge sheet against accused for the offence punishable U/Sec.13, 14, 15 and section 32 and 38(A) of Karnataka Excise Act .

4. Compliance of sec 207 of CrPC

After filing charge sheet this court has taken the cognizance for the said offences and the presence of accused secured by issuing



summons. The prosecution papers are supplied to the accused as per Sec.207 of Code of Criminal Procedure. After hearing of both the parties, it appears to the court that there are sufficient materials available as to frame charge against accused for the offence punishable U/Sec.273 of Indian Penal Code along with penal provisions U/Sec.32 and 34 of Karnataka Excise Act.

5.Framing of charges

Therefore charges are framed and read over and explained to the accused in office in their vernacular language. Accused pleaded not guilty of offence and submitted for trial. Therefore case is posted for recording of prosecution side of evidence.

6. Evidence for prosecution

In order to prove the guilt of accused the prosecution has examined in five witnesses as PW.1 to 5 and got marked Ex.P.1 to 4 documents and M.O.No.1 to 3 are marked and closed its side of evidence.

7. Statement U/s 313 of CrPC

The accused has been examined under Sec.313 of Cr.P.C. The accused has denied all the incriminating circumstances appearing in the prosecution case by stating false and submitted no defense evidence.



8. Heard, arguments of learned Assistant Public Prosecutor for state and so also heard arguments of learned advocate for accused.

9. After going through the evidence on record and documents marked in this case and so also on hearing of arguments of both side the following points arose for the consideration of this court.

POINTS

1. Whether prosecution proves beyond all reasonable doubt that on 11.06.2017 at about 11.30 am under the jurisdiction of chittapur range accused was found in possession of Jaggery, Navasagar and Spatik which are used to prepare the adulterated sendhi without having any valid permit from the concerned authority in order to sell it to the general public and thereby accused have committed the offence punishable U/Sec.32, 34 of Karnataka Excise Act.
2. Whether the prosecution proves beyond all reasonable doubt that on the same day, time and place, accused found unauthorized possession Jaggery, Navasagar and Spatik which are used to prepare sendhi and render the same to public for its drinks which became noxious to the human body after its consumption and



thereby accused have committed the offence punishable U/Sec.273 of I.P.C?

3. What order?

10. My answers to the above points are as under

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

Point No.2: **In the Negative**

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

REASONS

11. **Point No.1 and 2:-** The point No.1 and 2 are interlinked with each other in regard to fact and commission of offence as alleged by the prosecution, therefore point No.1 and 2 are taken together for discussion in order to avoid repetition of facts.

12. In order to prove the guilt of the accused the prosecution has examined five witnesses as PW.1 to 5 and got marked Ex.P.1 to 04 documents. Further the material object No.1 to 3 are marked. The witness examined by the prosecution may be categorized as PW.1 and 3 are the panchas, PW.2 & 4 are the official witnesses, PW.5 is the Investigating officer. The CW.4 to 6 are not examined and given up by the prosecution. In addition to above the prosecution has marked total 4 documents as per Ex.P.1 to 4. Ex.P.1 is the Seizure panchanama, Ex.P. 2 is the FIR, Ex.P-3 is the Search memo, Ex.P.4 is the FSL report. Thereafter, the learned APP closed his side of evidence.



13. Before entering into my reasoning on above said points I would like to discuss in brief the case of the prosecution. On 11.06.2017 at 11.20 Am while common excise raid by Karnataka and Telangana state excise officers came near the Kirana shop of Ramachandra Devarkonda at that time one person who present in the shop tried to escape by closing the shop, but the excise officials catch hold him. Thereafter, police have made a raid on accused shop, upon search they found jaggery in 16 boxes each containing 19 kg of jaggery total 300 kgs., Navasagar in 4 bags, each containing 25 kgs, total 100 kgs and Spatik in two bags each containing 50 kgs, total 100 kgs. Thereafter, police have enquired accused about his name and address for that he informed as Jayaprakash S/o Ramachandra Devarkond, Age: 29 years, Occ: Business, R/o Ramachada, Mudhol, Tq: Sedam. Thereafter, they have asked that, from which he used to brought that objects and selling to whom for that accused has informed as, he used to bring from Hyderabad and sell to tandas and village people to prepare ಕಳ್ಳಭಟ್ಟಿ ಸರಾಯಿ. Thereafter police have seized the material objects and taken the accused into custody. Thereafter, police have seized 50 grams each of jaggery in 16 packets, Navasagar 200 gramas in 4 packets and spatik 100 grams in 2 packets separately for the purpose of chemical analysis and sealed as "420" in the presence of panchas. Thereafter drawn the panchanama on the same day from 11.30 am to 12.50 am.



14. Criminal law was set into motion by CW.3/PW.4 is the informant who deposed in his oral evidence that, on 11.06.2017 he has received credible information that, illegally ಕಳ್ಳಬಟ್ಟಿ ಸರಾಯಿ is selling in Telangana and Karnataka border. Upon receiving the information both states excise officers have made a plan to made a common excise raid at border places. On 07.00 am went to Sedam Excise office and informed to his officials and secured the presence of two panchas and informed the same information to two panchas. Thereafter went to the raid on Gondepalli tanda, Venkatapur, Karbagi tanda, Indiranagar tanda. At that time received the information about raw material which is used to prepare the ಕಳ್ಳಬಟ್ಟಿ ಸರಾಯಿ is available at Kanderayan palli in the shop of Ramachandra. Thereafter they have went to kanderayanpalli and reached at 11.20. By seeing the police accused tried to closed the shutter of the shop. But police have stopped him and made a raid on accused shop. Upon search they found 16 boxes of spoiled jaggery total 300 kgs, 4 bags of Navasagar total 100 kgs, and two bags of spatik total 100kgs. Thereafter on an enquiry of the accused he has stated as he used to bring the material objects from Hyderabad and sell it to the nearby tandas and village people. Further they have enquired his name and address for that he informed his name as Jayaprakash S/o Ramachandra Devarkondu and seized all the material objects and seized 16 packets of spoiled jaggery each containing 50 grmas, 4



packets of Navasagar each containing 200 grams and 100gram of spatik separately for the purpose of chemical analysis and sealed with madari mudre. Thereafter, drawn the panchanama from 11.30 to 12.30 pm. Seizure panchanama is marked as Ex.P.1. Thereafter registered the case against accused at Sedam Excise office. FIR is marked as Ex.P.2. Search memo is marked as Ex.P.3. on the same day sent the accused to judicial custody. Thereafter, handover the case file to CW.8 for further investigation.

15. PW.2 is the person, who accompanied CW.3 in raid he has testified in consonance with the version of P.W.4/CW.3.

16. PW.5 is the investigating officer, who deposed in his examination in chief that, from 01.08.2017 to 30.11.2017 he has worked as additional Excise sub-inspector at Sedam range. On 30.08.2017 received the FSL report and enclosed the same with case file. FSL report is marked as Ex.P.4. Thereafter, on 11.09.2017 he has submitted the final report against the accused.

17. PW.1 and 3 who being the seizure mahazar have not supported to the prosecution case. The learned APP cross examined them with the great efforts with the permission of the court, but nothing worth has been elicited from their mouth so as to prove the contents of Ex.P.1/seizure panchanama. Therefore the recovery of material objects from the possession of accused remained in reasonable doubt. Even the prosecution papers are considered at



there face value, Exh.P.1 seizure Mahazars reveals that CW.3 seized spoiled jaggery, Navasagar and spatik which are used to prepare sendhi. Seizure mahazar further reveals that they took 16 packets fo jaggerry each containing 50 grmas, 4 packets of navasagar each containing 200 grams and 100 grams of spatik separately out of the seized spoiled jaggery, Navasagar and spatik which are used to prepare sendhi subjected it to chemical examination.

18. Therefore, it is the duty of the prosecution to prove the seizure of material objects from the possession of accused. Defence has disputed the MO.1 to 3 are being seized from the possession of accused. Therefore, the prosecution case is not free from reasonable doubt. There is no proof that the MO.1 to 3 is seized on the spot and which was witnessed by panchas. Cloud casted on Complaint and search and seizure panchanamas.

19. Since, the seizure of the material object from the proper custody of accused person is in reasonable doubt, the provision of Sec.32 and 34 of Karnataka Excise Act and sec 273 of IPC are not applicable to convict the accused person. Moreover, there are no materials available that the accused was having possession of the sendhi to sell it to the public for drinking which is unfit to drink and became noxious after its consumption. There is no evidence available that after purchase of said sendhi it was became noxious to a person who suffered from it. After all this there are no witnesses



against the defence who would depose that they witnessed the incident.

20. Therefore, over all looking to the evidence of prosecution there are some inconsistency as to the seizure of material object No.1 to 3 and the seizure of sendi before pancha because the pancha has turned hostile and not supported to the case of prosecution. Therefore, the official witnesses evidence are highly not reliable, acceptable and credible evidence against accused person to convict him. Because the seizure pancha has not supported to the case of the prosecution. The seizure pancha's evidence is the important part of recovery of material objects. Therefore, it can be said that the prosecution has utterly failed to prove the guilt of the accused beyond all reasonable doubt. Therefore, the charges leveled against accused for the offence punishable U/Sec.32, 34 of Karnataka Excise Act and Sec.273 of Indian Penal Code are not at all proved by the prosecution beyond all reasonable doubt. Therefore, accused are liable for acquittal in this case. Therefore considering all these aspects Point No.1 and 2 are answered **IN THE NEGATIVE.**

21. Point No.3: In view of findings of this court on point No.1 and 2, I proceed to pass the following:

ORDER

***Acting under Section 248(1) of Cr.P.C., the
accused is hereby acquitted for the alleged offences***



***punishable U/Sec.32 and 34 of Karnataka Excise Act
and U/Sec.273 Indian Penal Code.***

***The bail bonds and surety bonds are stand
canceled after completion of appeal period.***

***The M.O.1 to 3 are being worthless ordered to
be destroyed after completion of appeal period.***

(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me, in the open Court on this the 09th day of March-2026).

**Sd/-
(Balu)
Civil Judge and JMFC,
Sedam**

ANNEXURE

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

PW.1	Sharanabasappa S/o Sahadev
PW.2	Gourishankar S/o Gurappa
PW.3	Chandrakant S/o Vishawanatha
PW.4	Doddappa S/o Bhimasha
PW.5	Mohammad Imama S/o Bavasaheb

List of the witnesses examined on behalf of the Accused:-

-NIL-

List of the documents marked on behalf of Prosecution

Ex.P.1	Seizure panchanama
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Ex.P.1(a)	Signature of PW.1
Ex.P.1(b)	Signature of PW.2
Ex.P.1(c)	Signature of PW.4
Ex.P.2	First Information Report`
Ex.P.2(a)	Signature of PW.4
Ex.P.3	Search memo
Ex.P.3(a)	Signature of PW.4
Ex.P.4	FSL report

List of the witnesses examined on behalf of Court:-

-NIL-

List of the documents marked on behalf accused:-

-NIL-

List of the material objects marked on behalf of prosecution:-

M.O.No.1 to 3	Jaggery, Navasagar and Spatik of one packet each.
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Sd/-
(Balu)
Civil Judge and JMFC,
Sedam
