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Presented on : 09-11-2020
Registered on : 09-11-2020
Decided on : 27-04-2026
Duration : 05 years 05 months 18 days

THE COURT OF CIVIL JUDGE & J.M.F.C., SHAHABAD

Present : Sri. Chatni Prashant Sharanbasaveshwar
B.A.,, LL.B.(HONS),,LLM
Civil Judge & J.M.F.C., Shahabad.

C.C.No.262/2020

Dated this 27th day of April - 2026

BETWEEN :

The State by Shahabad Town Police Station

..... Complainant
(By Learned APP)

AND :

Manjur Ahmed S/o Gulam Maheboob Sab,
Age: 36 years, Occ: Business,
R/o: Laxmi Gunj, Shahabad.

...Accused

(Sri.C.S.Pujari,Adv.)

Date of commission of offence	05-09-2019
Date of report offence	05-09-2019
Name of the complainant	Sri. Siddalingayya Mathpati Food Inspector
Date of commencement evidence	06-01-2022
Date of closing evidence	21-10-2022
Offences complained	Sec.3 & 7 of E.C Act.
Opinion of Judge	Accused not found guilty



: J U D G M E N T :

This is a charge sheet filed by Police Inspector of Shahabad Town Police Station, against the accused for the offence punishable U/Secs. 3 and 7 of Essential and Commodities Act.

2. It is the case of prosecution that on 05-09-2019 at about 4.30 p.m, the Food Inspector of Shahabad filed this complaint before the police alleging that, on 05-09-2019 D.C. of Kalaburagi directed the complainant stating that in the house of accused at Laxmi Gunj Shahabad, the food grains meant for distribution to the public were store illegally. Accordingly, the complainant along with the police staff and panchas conducted raid on the house of the accused at about 12:00 p.m and found 71 quintals of rice and 58 quintals of wheat and one quintal 26 k.g of Toordaal. Suspecting the act of the accused the complaint was filed by the complainant against the accused for the offence punishable U/Sec.3 and 7 of Essential Commodities Act, 1955.

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3. On the information given by CW-1 crime was registered in Crime No.112/2019 and after completion of investigation the present charge sheet was filed.

4. After filing of the charge sheet cognizance was taken against the accused for the offence committed. The charge sheet copies supplied to the accused as required U/Sec. 207 of the Cr.P.C.

5. Thereafter, plea was recorded against the accused for the offence committed 3 and 7 of Essential Commodities Act, 1955. The same was read over and explained to the accused in the language known to him. The accused did not plead guilty and claims to be tried.

6. In order to establish it's case prosecution got examined in all 4 witnesses as PW-1 to PW-4 and got marked 5 documents from Ex.P.1 to Ex.P.5 and M.O.1.

7. Thereafter the statement of accused was recorded U/Sec.313 of Cr.P.C. explaining the incriminating evidence forthcoming against him. The accused has not lead any defence evidence.

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8. Heard the arguments from both sides and perused materials available on records.

9. The following points arised for my consideration are:

1) Whether the prosecution proves beyond reasonable doubt that, on 05-09-2019 about 4.30 p.m at Laxmi Gunj, in the house of accused, within the limits of Shahabad Town police station, the accused have illegally collected and transported Ration Food grains, rice, wheat and Toordal, which are distributed to public ration card holders, with any valid permit or license, in order to sale the same in the black market and thereby committed an offence punishable U/Sec.3 and 7 the Essential of Commodities Act 1955?

2) What order?

10. My findings to the above points are

- 1. In Negative*
- 2. As per the final order*

REASONS

11. **POINT NO.1:-** That on 05-09-2019 at about 4.30 p.m, the Food Inspector of Shahabad filed this

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complaint before the police alleging that, on 05-09-2019 D.C. of Kalaburagi directed the complainant stating that in the house of accused at Laxmi Gunj Shahabad, the food grains meant for distribution to the public were store illegally. Accordingly, the complainant along with the police staff and panchas conducted raid on the house of the accused at about 12:00 p.m and found 71 quintals of rice and 58 quintals of wheat and one quintal 26 k.g of Toordaal. Suspecting the act of the accused the complaint was filed by the complainant against the accused for the offence punishable U/Sec.3 and 7 of Essential Commodities Act, 1955.

12. The prosecution has got marked Ex.P.1 Complaint, Ex.P.1(a) signature, Ex.P.2 Panchanama, Ex.P.2(a) & (b) are signatures, Ex.P.3 and 4 are the two photographs and Ex.P.5 F.I.R, Ex.P.5(a) signature and got marked as M.O.1 which consists of 3 sample pouches.

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13. PW-1 Siddalingayya S/o Gurupadayya Mathapati the Food Inspector who has lodged complaint against the accused which is marked as Ex.P.1 and signature of witness as Ex.P.1(a), the content of Ex.P.1 reveals that the 71 quintals of Rice of worth of Rs.1,78,150/-, 2) 2.58 quintals wheat of worth of Rs.5160/-, 3) 1.26 quintal of Toordal of worth of Rs.7680/- were seized from the house of accused at Laxmigunj of Shahabad. The said food grains was meant for public distribution of below poverty line section and these food grains were stored to sale in a black market suspecting the Act of the accused the complaint was filed for the offence punishable U/Sec. 3 and 7 of Essential of Commodities Act 1955.

14. On perusing the contents of Ex.P.1 it further transpires that the complainant along with his staff reached the spot in a private vehicle whereas in his oral testimony he has deposed that he came to spot in a two wheeler and he is stating it for the first time this material contradiction in the evidence of the witness creates suspicion on the story of the prosecution,

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further it is deposed that no house number is mentioned in which aforementioned food grains were seized. There are no proof furnished by the prosecution which reveals the identity of the house pertaining to the accused where seizure has taken place on evaluating the entire evidence of the material witness it is clear that there are material contradiction and omission which are contrary to the version of prosecution case.

15. P.W.2 Subash S/o Pundalik Naya ASI who was part of raid in whose presence the foodgrains were seized and panchanama was drawn. Thereafter to preserve the seized food grains were sent to KFCSC God down of Shahabad, the photos taken at the time of panchanama are marked as Ex.P.3 and 4. In the cross-examination of the said witness it is revealed that nothing is mentioned in his statement which shows that identification of the accused and it brings an inference that he was not part of raid taken place for the purpose of seizing the food grains, in the residence

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of the accused and further affirms suspicion on the story of prosecution.

16. P.W.3 Mehtab S/o Mastan Patel the Investigation Officer who has conducted investigation in part and handed over the further investigation to C.W.13 deposes in his examination-in-chief that based on the complaint and panchanama produced by C.W.1 the crime was registered in Crime No.12/2019 for the offence punishable U/Sec. 3 and 7 of Essential Commodities Act. Thereafter the statement of C.W.5 to 9, 10 were recorded. The accused has obtained anticipatory bail from the District and Sessions Judge, after following the norms of bail the accused was released. Thereafter the voluntary statement of the accused was recorded and file was handed over to C.W.13 for further investigation. The counsel for the defence fully cross-examined denying the investigation conducted by him in toto.

17. P.W.4 Abdul Rasheed S/o Sayed Pasha the pancha witness in whose presence panchanama was

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drawn as per Ex.P.2 and food grains found in the possession of the accused were seized the signature of the witness on Ex.P.2 is marked as Ex.P.2(a) deposes in his examination-in-chief that no panchanama was conducted in his presence and nothing was seized as per Ex.P.2. The Learned APP treated him as a hostile witness and fully cross-examined him but nothing worth was elicited that is beneficial for the case of the prosecution.

18. The prosecution has given up the evidence of C.W.4, 5, 7, 8 and 9 after giving sufficient opportunity the prosecution has not secured the presence of C.W.2, 10, 11 and 13 within stipulated time. Accordingly, the examination of C.W.2, 10, 11 and 13 were dropped. There are no record produced by the prosecution which reflects that the food grains seized was meant for public distribution for below poverty line section pancha witness has turned hostile, seizure from the possession of the accused is not proved by evaluating entire evidence on record. The prosecution has not proved the guilt of the accused beyond reasonable

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doubt. Accordingly, the Point No.1 is answered in Negative.

19. **POINT NO.2:-** In the view of my findings I proceed to pass the following;

: ORDER :

By Acting U/Sec.255(1) of Cr.P.C the Accused is acquitted for the offence punishable U/Secs.3 and 7 of Essential Commodities Act 1955.

The Bail Bond and Surety Bond of the Accused stands cancelled and he is set at liberty forthwith.

M.O.1 three sample bags are ordered to be sent to the K.F.C.S.C God down of Shahabad after appeal period.

The Bail Bond of the Accused and Surety executed under section 437-A of Cr.P.C stands cancelled after 6 months of this judgment.

(Dictated to the Stenographer directly on the computer, then script corrected, signed and pronounced by me in the open court on this 27th day of April -2026)

(Chatni Prashant Sharanbasaveshwar)
Civil Judge & JMFC.,
Shahabad

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**:ANNEXURE:****List of witnesses examined on behalf of Prosecution:**

- P.W-1. Siddalingayya S/o Gurupadayya Mathpati
P.W-2. Subash S/o Pundalik Nayak
P.W-3. Mehatab S/o Mastan Patel
P.W-4. Abdul Rasheed S/o Sayed Sab

List of documents marked on behalf of prosecution:-

- Ex.P.1 Complaint
Ex.P.1(a) Signature
Ex.P.2 Panchanama
Ex.P.2 (a & b) Signatures
Ex.P.3 & 4 Two photographs
Ex.P.5 F.I.R

List of M.O.s marked for prosecution:-

- M.O-1 : Three sample bags

List of witnesses examined for accused:-

- NIL -

List of documents marked for accused:

-NIL-

Civil Judge & JMFC.
Shahabad