



IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC.,
VIRAJPET

PRESENT: Sri. Vishwanath A. B.B.A.,LL.B.,
C/c Addl. Civil Judge & JMFC.,
Virajpet.

DATED THIS THE 12th DAY OF JUNE 2026

CRIMINAL CASE NO:1239/2020

BETWEEN:

The State, represented by
Virajpet Rural Police Station,
Virajpet Taluk

...Complainant
(By Learned APP)

AND :

Smt. Meena A.K, aged about 41 years,
W/o late Ponnau,
R/o Ontiyangadi Village, Ammathy,
Virajpet, Kodagu.

... Accused
(By Sri. B. N. Subbaiah, Adv.,)

1	Date of occurrence of offence	15.09.2020
2	Date of report of offence	15.09.2020
3	Name of complainant	Shivanna H. T
4	Date of commencement of evidence	24.05.2023
5	Date of closure of evidence	23.08.2024
6	Offences complained of	Under Sections 13(1)(a), 13(1)(E), 13(1)(F), 32 & 34 of Karnataka Excise Act.



7	Opinion of the Judge	Accused found not guilty.
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(Vishwanath A.)
C/c Addl. Civil Judge & JMFC.,
Virajpet.

JUDGMENT

The PSI of Virajpet Rural Police Station has submitted the charge sheet against accused for the offences punishable under Section 13(1)(a), 13(1)(e), 13(1)(f), 15, 32 and 34 of the Karnataka Excise Act.

2. The case of prosecution in nutshell is that, on 15.09.2020 at 10.40 a.m., the accused was found in illegal possession of puliganji and she was preparing illicit liquor at the coffee plantation belonging to Vakkaligara Vasu, situated at Ammathi, Ontiyangadi Village, without having any license in that regard. Thereby the accused has committed the offences punishable under Section 13(1)(a), 13(1)(e), 13(1)(f), 15, 32 and 34 of the Karnataka Excise Act.

3. The copies of charge sheet materials are supplied to the accused in compliance of Section 207 of Cr.P.C. Accused is released on bail. After hearing the prosecution and so also the accused, the charges are framed for the offences under Section 13(1)(a), 13(1)(e), 13(1)(f), 15, 32 and 34 of the Karnataka Excise Act and the same were read over to the accused. Accused pleaded not guilty and claimed to be tried.



4. To bring home the guilt of Accused, the prosecution has examined witnesses as PW1 to PW5, got marked documents as Ex.P1 to Ex.P6. Material objects are marked as MO.1 to 7.

5. After completion of prosecution evidence, the incriminating evidence appearing against accused is read over and her statement under Section 313 of Cr.P.C., is recorded. Accused denied the incriminating evidence and did not choose to lead defence evidence.

6. Heard the arguments addressed by both sides and perused the entire materials on record.

7. The points that arise for consideration are as follows:

1. Whether the prosecution proved beyond all reasonable doubt that on 15.09.2020 at 10.40 a.m., the accused was found in illegal possession of Puliganji and preparing illicit liquor at the coffee plantation belonging to Vakkaligara Vasu, situated at Ammathi Ontiyangadi Village, without having any license and thereby committed the offences punishable under Section 13(1)(a), 13(1)(e), 13(1)(f), 15, 32 and 34 of the Karnataka Excise Act?

2. What order?

8. The findings of this Court on the above points are:



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

Point No.2: As per the final order
for the following:

REASONS

9. Point No.1: CW1 is the officer who states to have received the information about the alleged offences, conducted the search and seizure of the Excise articles. CW1 who is examined as PW1 depose that on 15.09.2020 at 9.00 a.m., while he was at the Police Station, got information about the accused that she is possessing Puliganji and preparing illicit liquor. Thereafter, he prepared the report of offence as per Ex.P1, registered the FIR as per Ex.P2 and proceeded to the spot along with CW2 to 5 and CW7. On the route at Chembebelluru bus shelter, he called CW8 as pancha and went to the coffee plantation belonging to the one Vasu, at 10.45 a.m., therein saw the accused preparing something with the use of firewood stove and silver vessel. On enquiring the accused, she told him that she is preparing illicit liquor without having any license in that regard.

10. PW1 further states to have searched the spot and found a white colour plastic can under the coffee plant and the said can contained illicit liquor of one liter. Another plastic container of green colour was also found at the spot and accused said that the said container consist puliganji. Out of the said illicit liquor and puliganji they have drawn one liter each as samples in MO6 and 7, seized the same along with other excise articles i.e., MO1 to 5 found at the spot, by drawing the mahazar as per Ex.P3 from 10.45 a.m., to 12.15 p.m. Thereafter, they came back to the Police



Station along with the seized articles and accused. Seized articles were reported under P.F.No.109/2020 and the accused was produced before the court. PW1 further states to have recorded the statements of CW7 and CW8 on the same day. On 26.09.2020, he sent the samples for chemical examination and recorded the statements of CW2 to 5. On 16.10.2020 he having received the chemical examination report as per Ex.P5, submitted the charge sheet against the accused. In the cross-examination, PW1 states that the PSI of Virajpet Rural PS was on leave on the date of alleged incident and he was in charge of his office. This witness further states that among the panchas i.e., CW7 and 8, CW7 is the resident of Virajpet and CW8 is the resident of Chembebellur Village. PW1 further states that he did not enquire as to whether the accused is a tenant under Vakkaligara Vasu and he has not obtained any document in proof of the residential address of accused. PW1 further states that he had not stuck the slips containing the signature of panchas on the material objects.

11. CW2/PW2 is the police head constable who states to have accompanied PW1 to the alleged spot of occurrence. This witness states regarding search and seizure of MO1 to 7, drawing of Ex.P3 Mahazar. In his cross-examination, PW2 states to have not enquired the owner of alleged spot of occurrence. This witness further states that there were other houses at the spot, but the residents of those houses were not called to witness the alleged search and seizure.

12. CW3/PW3 is the women police constable who states to have accompanied PW1 to the alleged spot of occurrence. This



witness also states regarding search and seizure of MO.1 to 7 in the same line as deposed by PW1 and PW2. In the cross-examination, this witness has denied the suggestion of defence that she is falsely deposing to support the case set up by her superior officer.

13. CW7 and 8 are said to be the mahazar witnesses and herein examined as PW4 and 5. Both these witnesses have identified their signatures in Ex.P3 – Mahazar. But PW4 depose that he do not know as to when and for what purpose he had signed Ex.P3 and he do not know its contents. PW5 though states about search and seizure of MO1 to 7, states that it is him who took the police to the house belonging to the accused.

14. Herein the present case, the prosecution has alleged that the accused was found in illegal possession of puliganji and she was preparing illicit liquor without having any license whatsoever at the coffee plantation belonging to one Vakkaligara Vasu. Though the police officers examined as PW1 to 3 state that they have conducted search and seizure at the said spot which is witnessed by the independent witnesses i.e., CW7 and 8 in whose presence MO1 to 7 are seized in accordance with law. But, CW7 who is examined as PW4 has not supported the official witnesses with respect to the fact that the accused was seen to be in possession of MO1 to 7 and also about the seizure of same. PW5 though states about search and seizure of MO1 to 7, but states that the said articles were found behind the house belonging to the accused. But the prosecution case is that the accused was found in possession of puliganji and illicit liquor at the coffee plantation



belonging to Vakkaligara Vasu. Therefore, though PW5 is not cross-examined by the defence, his testimony is not believable. Thus, what is available in the prosecution case in respect of alleged possession of puliganji and illicit liquor by the accused, and seizure of same is only the testimony of official witnesses.

15. It is not the case that the testimony of official witnesses cannot be believed, but their testimony shall be cogent, reliable and shall not make a way for doubt in the prosecution case. As per the testimony of PW1 to 3, the alleged search and seizure was conducted at the coffee plantation belonging to Vakkaligara Vasu. But the prosecution has failed to establish as to how the accused was in possession or occupation of the land belonging to the said Vasu. PW1 himself states that he did not enquire as to whether the accused is a tenant under Vakkaligara Vasu and he has not obtained any document in proof of the residential address of accused. This apart, PW1 further states that he had not stuck the slips containing the signature of panchas on the material objects. This is fatal to the prosecution case in connection with the identification of material objects and creates doubt as to whether or not the alleged incident has occurred. Thus, the testimony of official witnesses are not free from doubt to conclude that the accused was found to be in possession of puliganji and liquor as alleged by the prosecution. Therefore, it can be held that the guilt of accused is not proved beyond all reasonable doubt. Hence, point No.1 is answered in '**Negative**'.



16. Point No.2: For the reasons recorded on the above point No.1, this Court deems it fit to acquit the accused. Hence, the following:

ORDER

Accused is acquitted of the offences punishable under Section 13(1)(a), 13(1)(e), 13(1)(f), 15, 32 and 34 of the Karnataka Excise Act.

The bail bonds stand cancelled.

The bonds executed in compliance of Section 437(A) of Cr.P.C., shall be in force for a period of 6 months from the date of judgment.

MO.1 to 7 being worthless are ordered to be destroyed after the completion of appeal period.

(Dictated to the Stenographer, transcribed and typed by her on computer, corrected and then pronounced by me in the open court on this the 12th Day of June 2026 at Virajpet.)

(Vishwanath A.)
C/C Addl. Civil Judge & JMFC.,
Virajpet.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:-

PW.1 : H. T. Shivanna
PW.2 : Neharu
PW.3 : H. M. Shilpa



PW.4 : James Manezes

PW.5 : Aiwan

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:-

Ex.P1 : Report of information

Ex.P1(a) : Signature of PW1

Ex.P2 : FIR

Ex.P2(a) : Signature of PW1

Ex.P3 : Mahazar

Ex.P3(a) : Signature of PW1

Ex.P3(b) : Signature of PW2

Ex.P3(c) : Signature of PW3

Ex.P3(d) : Signature of PW4

Ex.P3(e) : Signature of PW5

Ex.P4 : Statement of PW1

Ex.P5 : FSL Report

Ex.P6 : Statement of PW4

LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF THE PROSECUTION:-

MO1- : White plastic Can

MO2- : Green colour plastic container

MO3&4- : Aluminum Vessels

MO5- : Red colour plastic bottle

MO6&7- : Plastic bottles

LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED :-

-----Nil-----



LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED :-

-----Nil-----

(Vishwanath A.)
C/c Addl. Civil Judge & JMFC.,
Virajpet.