

KAMD010029332022



IN THE COURT OF THE PRL.DISTRICT AND SESSIONS JUDGE,

MANDYA.

PRESENT

**SRI.SUBRAMANYA J.N.,
B.A., LL.M.**

**Prl.District and Sessions Judge,
Mandya.**

Dated this the 27th day of July, 2026.

Spl.C. NO.: 123/2022

Complainant:-

The State of Karnataka
Arakere Police Station
(Rptd.by Public Prosecutor,
Mandya.)

-VS-

Accused:-

- 1.** Ramdev L.J.,
S/o Late Jayadev L.,
Aged about 57 years,
R/at 3rd cross,
Gandhi Nagara,
Mandya City,
Mandya.
- 2.** Pavan B.K.,
S/o Late Kumar,
Aged about 36 years,
R/at No.652, 1st phase,
Vijayanagara, Mysore Bilkuppe,
Piriyapatna, Mysuru District.
- 3.** Ramesh Yadav
S/o Anirudha Chadri,

Aged about 37 years,
R/at Rampurkala Village,
Gopalgani District,
Bihar.

- 4.** Mithun Barik
S/o Bhimasen Barik,
Aged about 34 years,
R/at Saintala Village,
Bilipada, Gabakundar Puri
District, Khurda, Orissa.

(Rptd.by Sri.M.V.Raju,
Advocate)

1. Date of commission of the Offence. : 26.09.2019
(18.05 hours)
2. Date of report of offence : 26.09.2019
(18.45 hours)
3. Name of the complainant : Satheesha, P.S.I.
4. Date of arrest of accused : -
5. Date of release of A-1 : A-1 obtained anticipatory bail in Crl.M.No.5324/2019 on the file of III Addl.District and Sessions Judge, Mandya (sitting at Srirangapatna).
6. Date of release of A-2 to 4 : A-2 to 4 obtained anticipatory bail in

Crl.Mis.No.5380/2019 on
the file of III Addl.District
and Sessions Judge, Mandya
(sitting at Srirangapatna).

7. Date of commencement of
recording of evidence : 29.09.2025
7. Date of closure of
recording of evidence : 13.02.2026
8. Offences complained of : u/Sections 4(1), 4(1A), 21(1),
21(3), 21(4) of MMDR Act, 1957,
Rule 3(1),43,44 of K.M.M.C.,1994

u/Sections 4, 5 of Explosive
Substances Act, 1908,

u/Sections 9B(1)(b) of Explosive
Act, 1884,

u/Section 286 of IPC.
9. Opinion of the Judge : Accused No.1 to 4 are found
not guilty

J U D G M E N T

Prl.Civil Judge & JMFC, Srirangapatna committed
C.C.4/2022 registered against accused No.1 to 4 for the
offences punishable under u/Sections 4(1), 4(1A), 21(1), 21(3),
21(4) of MMDR Act, 1957, Rule 3(1),43,44 of K.M.M.C.,1994
u/Sections 4, 5 of Explosive Substances Act, 1908,

u/Sections 9B(1)(b) of Explosive Act, 1884, u/Section 286 of IPC on the basis of the final report filed by Arakere Police in Cr.No.164/2019.

2. In response to the summons, accused No.1 to 4 appeared before this Authority and get released on bail.

3. After hearing submission made on behalf of both the parties and on the basis of the material available in the file on 05.09.2024 charges of the offence punishable under Section 21(1) of Mines and Minerals Regulation of Development Act, 1957, u/Sections 4 and 5 of Indian Explosive Substances Act, 1908, u/Section 9B (1)(b) of the Explosive Act, 1984 and 286 of IPC have been framed against the accused No.1 to 4, then same have been read over and explained to the accused No.1 to 4, for which accused No.1 to 4 pleaded not guilty.

4. To prove charges levelled against accused No.1 to 4 prosecution led the evidence of 4 witnesses as PW-1 to 4 and get marked 8 documents, 5 signatures at Ex.P.1 to 8, Ex.P.3(a), Ex.P.4(a),(b), Ex.P.5(a), Ex.P.6(a).

5. During recording of the evidence prosecution get marked 8 small packets/boxes containing residuaries of explosive substances at M.O.1 to 8.

6. After closure of the prosecution side evidence on 17.03.2026 statements of accused No.1 to 4 as required under Section 313 of Cr.P.C. have been recorded. Accused No.1 to 4 denied the incriminating evidence appeared against them and did not chose to lead evidence on their behalf.

7. I heard arguments submitted on behalf of both parties and perused entire records.

8. On the basis of the materials on record, following points would arise for my consideration;

1) Whether prosecution proves beyond reasonable doubt that on 26.09.2019 at 6.05 p.m. in the land bearing Sy.No.78 of Channanakere Village, Srirangapatna Taluk in the presence of PW-3/Prakash, CW-3/Amruthraj,CW-1/PW-2/Sathish/PSI traced that accused No.1 being owner of J.J.Crushers with the help of accused No.2 to 4/labourers involved in mining activities illegally without valid license, possessed two plastic bags containing 89 gelatin sticks, 2 kg ammonium nitrate, 63 electronic detonators, 6 boosters to blast the stone rocks, which are likely to endanger to human life and property, thereby accused No.1 to 4 committed the offence punishable under Section 21(1) of Mines and Minerals Regulation of Development Act, 1957, u/Sections 4 and 5 of Indian Explosive Substances Act,

1908, u/Section 9B (1)(b) of the Explosive Act, 1984 and 286 of IPC ?

2) What order?

9. On the basis of the material available in the file, my finding to the above Points are as follows:-

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

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

10. Point No.1 :- In this case, prosecution has contended that on 26.09.2019 at 6.05 p.m. in the land bearing Sy.No.78 of Channanakere Village, Srirangapatna Taluk in the presence of CW-2/PW-3/Prakasha, CW-3/Amruthraj/panchas. PW-2/Sathish/PSI traced that accused No.1 being the owner of J.J.Crushers with the help of accused No.2 to 4/labourers illegally without valid license possessed two plastic bags containing 89 gelatin sticks, 2 kg ammonium nitrate, 63 electronic detonators, 6 boosters to blast the stone rocks, which are likely to endanger to human life and property, therefore by recording mahazar marked at Ex.P.4 seized explosive substances, returned to the police station, submitted report marked at Ex.P.3 to S.H.O (ASI), who on the basis of the report marked at Ex.P.3 registered Cr.No.163/2019 against Ramdev/J.J.Crusher/Quarry owner

for the offences punishable under Sections 4(1), 4(1A), 21(1), 21(3), 21(4) of MMDR Act, 1957, Rule 3(1), 43, 44 of K.M.M.C., 1994 u/Sections 4, 5 of Explosive Substances Act, 1908, u/Sections 9B(1)(b) of Explosive Act, 1884, u/Section 286 of IPC, forwarded FIR marked at Ex.P.2 to the jurisdictional Court and started investigation.

11. PW-4/CPI after completion of the investigation filed charge sheet.

12. In the evidence PW-1/R.Babu S/o Chandrashekar stated that accused No.1/Ramdev is the owner of the J.J.Crushers. PW-1 stated that since last 20 years he being authorized dealer of explosive substances, entered into an agreement with accused No.1 to prepare stone by exploding stone rocks with the help of compressor by making pit and transport the same in tipper from 01.01.2018 to 04.04.2026.

13. PW-1 stated that during 2019 on the request of accused No.1 sent accused No.2 to 4 to the quarry of the accused No.1 to prepare stones by exploding stone rock. PW-1 stated that he came to know that when accused No.2 to 4 making effort to explode stone rock by noticing the appearance of police ran.

14. In the evidence PW-1 stated nothing about the incident dated 26.09.2019 alleged by the police in the charge-sheet.

15. In-spite of lengthy cross-examination nothing has been elicited from PW-1 about the incident dated 26.09.2019.

16. In the evidence PW-2/Sathish S/o Mahadevanayaka/PSI stated that on 26.09.2019 at 5.20 p.m. when discharging duties in the police station came to know that in the stone quarry situated within the limits of Channanakere Village accused No.1 illegally exploding stone rocks, therefore, immediately rushed towards Channanakere Village, on the way secured Amruthraj and Prakash, R/o Arakere Village by serving notice to work as panchas. PW-2 stated that along with staff and panchas reached the spot at 6.05 p.m., noticed 3 people engaged in filling explosive substances in the pits, on noticing his appearance and appearance of the police those 3 ran, in-spite of effort unable to capture those 3.

17. PW-2 stated that when along with panchas and staff inspected the spot noticed bags containing gelatin sticks, 2 kg ammonium nitrate, electronic detonators, boosters which are brought illegally to explode stone rocks.

PW-2 stated that in the place of incident prepared a report marked at Ex.P.3, forwarded the same through P.C.251 to the police station, wherein ASI who was discharging duty of SHO registered Cr.No.164/2019 against Ramdev, forwarded FIR to the jurisdictional Court and informed him.

18. PW-2 stated that after receipt of the information about registration of Cr.No.164/2019 by preparing/writing the mahazar marked at Ex.P.4 seized bags containing 89 gelatin sticks, 2 kg ammonium nitrate, electronic detonators, 6 boosters.

19. In the cross-examination PW-2 stated that as per document shown in the cross-examination since 05.04.2026 to for a period of 20 years Mines Department granted license to J.J. Mines Company to conduct quarry activities in 1 acre land bearing Sy.No.78 of Channanakere Village. PW-2 admitted that mining activities includes exploding of the stone rock. PW-1 admitted that as per documents confronted on 20.03.2019 an agreement came into existence between accused No.1/Ramdev and PW-4/R.Babu S/o Chandrashekar regarding explode of the stone rock for a period of 1 year.

20. In the evidence PW-3/Prakash S/o Thammannachari/tailor identified his signature on the mahazar marked at Ex.P.4. PW-3 stated that during 2009

police taken him to an agricultural land situated at Channanakere Village wherein seized some wires, prepared document marked at Ex.P.4, get his signature. PW-3 stated that on noticing appearance of the police, people who are engaged in stone mining activities ran.

21. In the cross-examination PW-3 submitted ignorance about contents of the documents in which he made signature.

22. In the evidence PW-4/Krishnappa S/o K.G.Venkataramaiah/CPI, Srirangapatna Circle stated that on 28.09.2019 recorded the statement of CW-2/Prakash and CW-3/Hanumantharaju. PW-4 stated that on 16.10.2019 when accused No.1/Ramdev came to police station by holding anticipatory bail order recorded his statement, collected the copy of mining license 824/19.08.2016 (marked at Ex.P.5) and released on bail.

23. PW-4 stated that during investigation sent 8 packets/boxes marked at M.O.1 to 8 to RFSL for scientific examination.

24. In the cross-examination PW-4 denied the suggestion that during investigation CW-2/Prakash, CW-3/Hanumantharaju never gave any type of statement. PW-4 denied the suggestion that accused No.1/Ramdev never gave any type of statement voluntarily.

25. In the mahazar marked at Ex.P.4 it is noted that on 26.06.2019 at 8.00 p.m. in the stone quarry belonging to accused No.1/Ramdev situated in border of Channanakere Village in the presence of PW-3/Prakash and CW-3/Hanumantharaju S/o Ramashetty, PW-2/Sathish/PSI seized a plastic bag containing 89 gelatin sticks, 2 kg ammonium nitrate, 63 electronic detonators, 6 boosters.

26. In the report marked at Ex.P.3 it is noted that on 26.09.2019 at 6.45 p.m. PW-2/Sathish/PSI forwarded the same through P.C.No.851 to SHO, Arakare Police Station noting that on the same day 5.20 p.m. when engaged in patrolling duty at Channannakere Village received information that in the quarry known as J.J.Crusher belonging to accused No.1/Ramdev within the limits of Channanakere Village accused No.1/Ramdev without license engaged in exploding stone rock by using explosive substances, then along with staff and two independent witnesses standing at Arakere Town bus-stand circle reached J.J. Crusher area at 6.05 p.m. noticed 3 peoples engaged in filling explosive substances in the pits, on noticing his appearance as well as appearance of the police those 3 ran, in the spot noticed 2 bags containing gelatin sticks, 2 kg ammonium nitrate, electronic detonators, boosters illegally brought to exploding stone rock, therefore intimated the SHO to register case for the offences punishable

under Sections 4(1), 4(1A), 21(1), 21(3), 21(4) of MMDR Act, 1957, Rule 3(1),43,44 of K.M.M.C.,1994 u/Sections 4, 5 of Explosive Substances Act, 1908, u/Sections 9B(1)(b) of Explosive Act, 1884, u/Section 286 of IPC.

27. Ex.P.5 is the xerox copy of the mining license No.824, dated 19.08.2016 issued by the Mines and Geology Department to the accused No.1 to conduct mining activities for a period of 20 years from 05.04.2006 in 1 acre land bearing Sy.No.78 of Channanakere Village.

28. In this case regarding seizure of the explosive substances near stone quarry maintained by J.J.Crushers in the land bearing Sy.No.78 of Channanakere Village on 26.09.2019 at 8.00 p.m., oral evidence of PW-2/PSI and 3/Independent witness does not corroborate each other and also does not corroborate with the contents of the mahazar marked at Ex.P.4.

29. In this case there is no explanation on behalf of the prosecution when accused No.1 had license No.824/dated 19.08.2016 to conduct stone mining activities in Sy.No.78 in 1 acre land of Channanakere Village from 05.04.2006 to 05.04.2026 how the blasting of the stones either by using explosive substances or using any other materials become

violation of Explosive Substances Act, 1908, Explosive Act, 1884, KMMC Rules, 1994, MMDR Act, 1957, Section 286 of IPC.

30. At this stage, it is important to note that when PW-2/PSI and staff made effort to capture 3 peoples, who are alleged to have been engaged in filling of explosive substances in the pits, failed to capture those 3 peoples.

31. Hence, a reasonable doubt arose in the mind of the Court about genuineness and truthfulness of the mahazar marked at Ex.P.4 about seizure of the explosive substances near J.J. Crushers situated in the land bearing Sy.No.78 of Channanakere Village on 26.06.2019.

32. Considering the subsistence of the license No.824 dated 19.08.2016 issued by Mines and Geology Department for the period from 05.04.2006 to 04.04.2026 marked at Ex.P.5 in favour of the accused No.1/Ramdev L.J., Proprietor J.J. Crushers to conduct stone mining activities in 1 acre land bearing Sy.No.78 of Channanakere Village non-corroboration of the oral evidence of PW-2 and 3 with each other with the contents of the mahazar marked at Ex.P.4 I have inferred that accused No.1 to 4 entitle for benefit of doubt.

33. Hence, by extending benefit of doubt in favour of accused No.1 to 4, I came to the conclusion that prosecution has failed to prove beyond reasonable doubt that on 26.09.2019 at 6.05 p.m. in the land bearing Sy.No.78 of Channanakere Village, Srirangapatna Taluk in the presence of CW-2/PW-2/Sathish/PSI traced that accused No.1 being owner of J.J.Crushers with the help of accused No.2 to 4/labourers illegally without valid license, possessed two plastic bags containing 89 gelatin sticks, 2 kg ammonium nitrate, 63 electronic detonators, 6 boosters to blast the stone rocks, which are likely to endanger to human life and property, thereby accused No.1 to 4 committed the offence punishable under Section 21(1) of Mines and Minerals Regulation of Development Act, 1957, u/Sections 4 and 5 of Indian Explosive Substances Act, 1908, u/Section 9B (1)(b) of the Explosive Act, 1984 and 286 of IPC. Hence, I answer **point No.1 in the Negative** and pass the following:

ORDER

Acting under Section 235(1) of Cr.P.C., the accused No.1 to 4 are hereby acquitted from charges of the offence/punishable under Sections 21(1) of Mines and Minerals Regulation of Development Act, 1957, u/Sections 4 and 5 of Indian Explosive Substances Act, 1908, u/Section 9B (1)(b) of the Explosive Act, 1984 and 286 of IPC.

Personal bonds/surety bonds executed by and on behalf of accused No.1 to 4 shall continue for a period of 6 months from today.

After completion of the appeal period or in case of filing of further appeal after final disposal of the such further appeal office to hand over 8 boxes marked at M.O.1 to 8 to S.H.O., Arakere Police Station for disposal in accordance with law.

Dictated to the Stenographer, who transcribed, then corrected by me, print taken, pronounced in the Open Court on **27th day of July, 2026.**

(SUBRAMANYA J.N.)

Prl.District & Sessions Judge,
Mandya.

ANNEXURE

1. List of witnesses examined for prosecution:-

PW-1	R.Babu S/o Chandrashekar	CW-4	29.09.2025
PW-2	Sathish (PSI) S/o Mahadevanayaka	CW-1	01.12.2025
PW-3	Prakash Thammannachari	CW-2	01.12.2025
PW-4	Krishnappa K.V. (CPI) K.G.Venkataramaiah	CW-13	13.02.2026

2. List of witnesses examined on behalf of accused :
-Nil-

3. List of documents marked on behalf of prosecution:-

Ex.P.1	:	Statement of PW-1/CW4/R.Babu S/o Chandrashekar
Ex.P.2	:	FIR dated 26.09.2019
Ex.P.3	:	Report of PW-2 dated 26.09.2019
Ex.P.3(a)	:	Signature of PW-2/CW-1/Sathish/PSI
Ex.P.4	:	Spot mahazar dated 26.09.2019
Ex.P.4(a)	:	Signature of PW-2/CW-1/Sathish/PSI
Ex.P.4(b)	:	Signature of PW-3/CW-2/Prakash S/o Thammegowda
Ex.P.5	:	Copy of the Stone Mining License No.824/19.08.2016
Ex.P.5(a)	:	Signature of PW-4/CPI
Ex.P.6	:	Letter dated 20.11.2019 sent by PSI (BDDS), Bengaluru to PW-4/CPI
Ex.P.7	:	RFSL report dated 11.09.2020
Ex.P.8	:	Order dated 23.07.2021 of D.C.

4. List of documents marked on behalf of defence: - - Nil-

5. List of Material Objects marked in this case:

M.O.1 to 8 : 8 small packets/boxes
containing residuaries of
explosive substances

(SUBRAMANYA J.N.)

Prl.District and Sessions Judge,
Mandya.

