

KAGD410011932024



Presented on : 13-06-2024
Registered on : 13-06-2024
Decided on : 10-06-2026
Duration : 01 years, 11 months, 28 days

IN THE COURT OF PRL. CIVIL JUDGE AND JMFC,

AT: RON

-PRESENT-

HULUGAPPA D.

B.A.LL.B.

Principal Civil Judge & JMFC, Ron.

Dated this 10th day of June, 2026

Criminal Case No.480/2024

Complainant:

Excise Police Station, Ron.

(By the learned APP)

-Versus-

Accused:

1. Yamanurappa S/o Hanamantappa Waddar,
Age: 21 years, Occ: Coolie,
R/o. Benakanal, Tq: Kushtagi, Dist:Koppal.

(By Sri.R.V.Talawar, Advocate)

1. Date of Commission of offence : 19.03.2024
2. Date of report of offence : 19.03.2024
3. Date of arrest of accused : -----
4. Date of evidence commenced : 27.10.2025



- | | | | |
|----|-----------------------------|---|---|
| 5. | Date of closing of evidence | : | 15.12.2025 |
| 6. | Name of the complainant | : | Vivekananda B.
Mankale P.S.I |
| 7. | Offences complained of | : | Under Sec. 32(1), 38(A)
and 43A of
Karnataka Excise
Act. |
| 8. | Opinion of Judge | : | Accused is not found
guilty |
| 9. | Order or sentence | : | As per final order. |

J U D G M E N T

1. The Excise SI of Ron has filed the charge-sheet against the accused for the offences punishable under sections 11, 14, 15, 32(1), 38(A) and 43(A) of Karnataka Excise Act.

The brief facts of the case of the prosecution are as follows:

2. On 19-03-2024, under the guidance of the Deputy Commissioner of Excise, Gadag District, Gadag and the Deputy Superintendent of Excise, Gadag Sub-Division, the complainant along with his staff were patrolling work at Kalakaleshwar Circle, Gajendragad town, on the occasion of Assembly Constituency for the Lok Sabha General Election-2024 in their government vehicle bearing No.K.A-26/G-0579 at 03:00 PM, he received



credible information that Yamanurappa Waddara was illegally transporting liquor from Gajendragad town towards Kushtagi, immediately they went to the office near Kittur Rani Channamma Circle in Gajendragad town, took two panchas went to the place where the information was received and saw a two-wheeler coming from a distance, their staff stopped it. Then, before inspecting the vehicle, a search warrant was prepared on the spot under Section 54 of the Karnataka Excise Act, 1965 and on search a Vimal Company bag was found on the petrol tank of the said vehicle and it was found 1) 96 tetra packets of Haywards Whiskey containing 90 M.L each and the vehicle was checked and found to be a Black and Rose colour Bajaj Discovery vehicle bearing No.KA-37/W-3600. On enquiry, he stated his name as Yamanurappa S/o Hanamantappa Waddar resident of Benakanal of Kushtagi Taluk. The accused was carrying the said liquor to sell to the public for his benefit without having any valid license or permit from the competent authority.



3. Thereafter, the complainant – CW.1 drew the Mahazar in the presence of panchas and seized the articles. The Investigating Officer – CW.9 sent the seized article through his staff for chemical examination and received the FSL report and recorded the statement of witnesses and after completion of investigation filed the charge-sheet against the accused for the aforesaid offences.

4. Upon receipt of the charge-sheet, the court has taken the cognizance of aforesaid offences and copy of the charge-sheet was duly furnished to the accused as required U/Sec.207 of Cr.P.C. As the case is of warrant trial and since there were no grounds for discharge, the charge was duly framed and read over to the accused. The accused pleaded not guilty and claimed to be tried. Therefore, matter was got posted for trial.

5. The prosecution, in order to prove the guilt against the accused, has examined five witnesses as PW.1 to PW.5 and got marked the documentary evidence as Ex.P.1 to Ex.P.13 and



also got marked MO.1. After closure of the evidence of the prosecution, the accused was examined U/Sec.313 of Cr.P.C. Thus accused has not led any evidence.

6. I have heard the learned A.P.P. appearing for the state and the learned counsel appearing for the accused and perused the material available on record carefully.

7. The following points that arise for my consideration:

:POINTS:

1. Whether the prosecution proves beyond all reasonable doubt that on 19.03.2024 at about 3.35 pm, within the limits of Ron Excise police station, near Petrol Bunk on the government road leading from Gajendragad to Kushtagi, accused was found in illegal possession of 96 tetra packets of Haywards Whiskey containing 90 ML each and carrying the same to sell to the public for his benefit without having any valid license from the competent authority and thereby committed an offence punishable U/Secs. 32(1) and 43 of Karnataka Excise Act?



2. What order?

8. My findings to above raised points are as under:

Point No.1	::	In the negative
Point No.2	::	As per final order
		for the following:

R E A S O N S

9. **Point No.1:-** The prosecution has relied upon the oral evidence of PW.1 to PW.5 and also has relied upon Ex.P.1 to Ex.P.13 and also material objects which are got marked as MO.1. Ex.P.1 is the complaint. Ex.P.2 is the FIR. Ex.P.3 is the Search Warrant. Ex.P.4 is the Seizure Panchanama. Ex.P.5 is the Specimen Seal. Ex.P.6 & 7 are the photographs. Ex.P.8 is the letter dated 16.04.2024. Ex.P.9 is the FSL Report. Ex.P.10 is the Notice. Ex.P.11 is the Letter dated 05.04.2024. Ex.P.12 is the B Extract. Ex.P.13 is the certified copy of the notice.

10. PW.2 and PW.3 are mahazar panchas to Ex.P.4 as per prosecution case but, they have not supported the case of



the prosecution. Indeed, they have turned hostile and even though treating them as hostile witnesses by the learned APP but no worth is elicited from their mouth during the course of cross-examination. Therefore, the evidence of PW.2 and PW.3 is not helpful to the prosecution.

11. CW.1 – the then Excise SI of Excise P.S, Ron – the complainant has been examined as PW.1. He has deposed in his examination-in-chief that on 19.03.2024 on the occasion of the Lok Sabha General Election, he and his staff were patrolling near Kalakaleshwara circle in Gajendragad Town, he received a credible information that liquor was being transported illegally on the government road leading from Gajendragad to Kushtagi and they took panchas from Kittur Rani Channamma circle and reached the spot and saw a two wheeler coming from a distance and stopped the vehicle. Thereafter, before inspecting the vehicle, the search warrant was prepared on the spot under Section 54 of the Karnataka Excise Act, 1965 and on search of the vehicle they found there was a Vimal Company bag on the petrol tank of the



vehicle and accused was found in possession of 96 tetra packets of Haywards Whiskey containing 90 ML each and the vehicle was checked and found to be a Black and Rose colour Bajaj Di vehicle bearing No.KA-37/W-3600. On enquiry, he stated his name as Yamanurappa S/o Hanamantappa Waddar and he collected and stored the tetra packets for the purpose of sale and he seized the articles and also taken for sample and arrested the accused and conducted panchanama from 3.35 pm to 4.35 pm and thereafter he went to the police station along accused and submitted seized articles and panchanama before the court and gave complaint and submitted FIR to the Court and handed over the case file to CW.9 for further investigation. CW.5 the then Excise constable has been examined as PW.5 and he has also deposed in his evidence the same facts as stated by PW.1.

12. CW.9 - Investigating Officer has been examined as PW.4. In his examination in chief, he has deposed that on 01.04.2024 he received the case file from CW.1 for further investigation and on 05.04.2024 wrote letter to RTO, Koppal



regarding the ownership of the vehicle. On 17.04.2024 he sent seized articles to Dharwad for the chemical examination through his staff CW.8 and on the same on the day he received the FSL Report and recorded the statement of CW.8. On 25.04.2024 he received the report from RTO, Koppal regarding the ownership report regarding the vehicle and recorded the statements of CW.4 and CW.5 who participated in the raid. On 13.05.2024 as per the report of the RTO, a notice was issued to the owner of the seized vehicle and on 14.05.2024 the said owner of the vehicle Hanamantappa appeared before and he collected information from him and after completion of investigation he has submitted charge-sheet against the accused. The learned counsel for the accused has cross-examined the PW.1, PW.4 and PW.5 at length. In their cross-examination, PW.1, PW.4 and PW.5 have denied the suggestions put forward by the learned counsel for the accused.

13. In order to attract the provision of Secs.32 and 34 of the Act, the burden is on the prosecution to prove that the



accused was found in possession of tetra packets. As far as, recovery aspect is concerned, admittedly pancha witnesses have been examined as PW.2 and PW.3 and they have turned hostile to the prosecution case. They did not support the prosecution version and even during the course of cross examination by learned APP, nothing worth has been elicited to prove that in their presence the said liquor was seized from accused and in their presence sample was taken. On going through entire material on record, the prosecution has not placed any reliable and cogent evidence to prove that the tetra packets have been seized from the accused.

14. It is well settled law that evidence of the official witnesses is not to be disbelieved or discarded merely for the reason that they are official witnesses. If the evidence of the police witnesses inspired the confidence of the court, then court can rely upon the evidence of the said witnesses. As discussed above, the prosecution has not placed any reliable and cogent evidence to prove that the liquor has been seized from the



accused. Therefore, though PW.1, PW.4 and PW.5 being official witnesses have deposed in support of version of prosecution, there is no any such circumstances and evidence which inspires the confidence of the court to rely upon the evidence of the official witnesses.

15. Further, It is well established principle of law that, if any doubt arises in the case of prosecution, then the benefit of doubt should go to the accused. Therefore, on appreciation of oral and documentary evidence adduced by the prosecution and in view of discussion made supra, I am of the opinion that the prosecution has failed to prove the guilt against the accused beyond all reasonable doubt. Accordingly, I answer the Point No.1 and 2 in the Negative.

16. POINT NO.2:- For the foregoing reasons, I proceed to pass the following:-



ORDER

Acting U/Sec.248(1) of Cr.P.C., the accused is acquitted for the offence punishable U/Secs. 32(1) and 43 of Karnataka Excise Act.

The bail bonds and surety bonds shall be in force for the period of 6 months.

MO.1 seized articles being worthless are ordered to be destroyed after appeal period is over.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open court on this 10th day of June, 2026).

(HULUGAPPA D.)
Prl. Civil Judge & JMFC, Ron.

ANNEXURE

1. Witnesses examined for the Prosecution:

PW.1 : Vivekananda Basappa Mankale
PW.2 : Yamanuru Jindappa Guttedar
PW.3 : Ramanna Neelayya Guttedar
PW.4 : Ayyalligadagi Ramappa Ambanna
PW.5 : Parashuram Irappa Rathod

2. Witnesses examined for the accused:

-NIL-



3. Documents exhibited for the Prosecution:

- Ex.P.1 : Complaint
- Ex.P.1(a) : Signature of PW.1
- Ex.P.2 : Search Warrant
- Ex.P.2(a) : Signature of PW.1
- Ex.P.3 : FIR
- Ex.P.3 (a) : Signature of PW.1
- Ex.P.4 : Seizure Panchanama
- Ex.P.4(a,b,c): Signatures of PW.1 to 3
- Ex.P.5 : Specimen Seal
- Ex.P.5(a,b,c): Signatures of PW.1 to 3
- Ex.P.6 & 7 : Photographs
- Ex.P.8 : Letter dated 16.04.2024
- Ex.P.8(a) : Signature of PW.4
- Ex.P.8 : Letter dated 05.05.2023
- Ex.P.8(a) : Signature of PW.4
- Ex.P.9 : FSL Report
- Ex.P.9(a) : Signature of PW.4
- Ex.P.10 : Notice
- Ex.P.10(a) : Signature of PW.4
- Ex.P.11 : Letter dated 05.04.2024
- Ex.P.11(a) : Signature of PW.4.
- Ex.P.12 : B Extract
- Ex.P.12(a) : Signature of PW.4

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Ex.P.13 : Notice

Ex.P.13(a) : Signature of PW.4

4. Material objects marked:

M.O.1 : Bag of Tetra packets.

(HULUGAPPA D.)

Prl. Civil Judge & JMFC, Ron.