



Presented on : 17-08-2024

Registered on : 17-08-2024

Decided on : 16-06-2026

Duration : 1 years, 9 months, 30 days

IN THE COURT OF THE I-ADDL. CIVIL JUDGE & JMFC.,
AT: SINDHANUR.

PRESENT: SMT. SARASWATI HOTKAR.

B.A.,LL.B.LL.M.

I-ADDL. CIVIL JUDGE & JMFC., SINDHANUR.

C.C.NO.2123/2024

DATED THIS THE 16th DAY OF JUNE, 2026.

BETWEEN:

1. **The State of Karnataka
Through Excise Range Sindhanur.**

...Complainant.

(BY ASST. PUBLIC PROSECUTOR)

AND:

1. **Sri.Sharanabasava S/o. Shyamanna,**
Age: 28 years, R/o. Dhadesuguru,
Tq:Sindhanur, Dist:Raichur.

....Accused

(By H.A.D., ADVOCATE)

Date of commission of offence	16-03-2024
Date of report of offence	26-07-2024
Arrest of the accused	Accused is on bail.
Name of the complainant	Sri.Mallavva Ketannavar



Date of complaint	16-03-2024
Date of closing of evidence	02-06-2026
Offences complained of	U/secs. 11, 14, 15, 32(1) and 34 of K.E.Act.
Opinion of the Judge	Not found guilty.

J U D G E M E N T

The S.H.O., Excise Range Sindhanur filed charge sheet for the offences to be punishable under sections 11, 12, 14, 15, 32(1), 34 and 38(A) of Karnataka Excise Act.

2. The brief facts of the case of the prosecution:

It is the case of the prosecution that on 06-03-2024 at 8-40 p.m the CW-1 received credible information as accused was un-authorisedly and without any lawful permit possessing and selling the liquour at near Kengal cross, Dhadesugur village in public place without any lawful authority, CW-1 went to the spot for raid with his staff and panchas. When he went to the spot, at that time accused came from Block colour Mahindra Company Altra Delux Auto bearing reg.No.KA-36/B-9705 with one bag, they stopped him and enquired the accused he said his name as Sharanabasava. CW-1 searched the bag in the possession of accused and found 8 boxes wherein it contains 96 tetra-packs of Original choice



Whiskey Choice containing 90 ML each and 96 tetra-packs of H.V. Cheers Whiskey Choice containing 90 ML each. 48 tetra-packs of B.P. Whiskey Choice containing 90 ML each and 3 boxes powerful bear 36 bottles of K.F. Strong bear containing 650 ML each, Strong bear 24 tins containing 350 ML each. The CW-1 seized those liquor bottles in the presence of panchas and drawn Mahazar. He separated one bottle from each items and sealed those tetra-packs for chemical examination. The CW-1 returned to his office with seized articles and registered the case. Further, he handed over the case file to CW-8 for further investigation. CW-8 took up the investigation and filed charge sheet against accused.

3. As per Sec.207 of Cr.P.C. the entire prosecution papers have been supplied to accused. Perused the records. There are sufficient materials available on record to frame charge against the accused. Hence, charge was framed and read over to him. He pleaded not guilty and claimed to be tried.

4. The prosecution examined 4 witnesses as PW-1 to 4 and 17 documents were marked as Ex.P-1 to 17 and marked 1 article as M.O.1.



5. The statement of accused U/Sec.313 of Cr.P.C. was recorded. He denied the incriminating evidence of the prosecution and does not choose to lead any defence evidence.

6. Heard the arguments and perused the materials placed on record.

7. The following points arise for my consideration.

1. Whether the prosecution has proved beyond all reasonable doubt that on 16-03-2024 at about 9-10 PM within the limits of Excise Range Sindhanur, the accused was selling illegal liquor bottles and pouches of liquor i.e., 96 tetra-packs of Original choice Whiskey Choice containing 90 ML each and 96 tetra-packs of H.V. Cheers Whiskey Choice containing 90 ML each. 48 tetra-packs of B.P. Whiskey Choice containing 90 ML each and 3 boxes powerful bear 36 bottles of K.F. Strong bear containing 650 ML each, Strong bear 24 tins containing 350 ML. each without having any license from the concerned authority and thereby accused has committed an offence punishable U/Sec.11, 12, 14, 15, 32(1) of Karnataka Excise Act?
2. Whether the prosecution proved beyond all reasonable doubt that accused person knowing fully well that the above toddy, is against to the law have found in possession and thereby accused has committed an offence punishable U/Sec.34 and 38(A) of Karnataka Excise Act?



3. What order?

8. My findings to the above points as hereunder:

Point No 1 : In the Negative.

Point No 2 : In the Negative.

Point No 3 : As per final order, for the following:

R E A S O N S

9. POINTS NO.1 & 2: These points are interlinked with each other, to avoid repetition of the facts and circumstances they are taken together for common discussion.

10. To substantiate the guilt of the accused, the prosecution examined the CW-1 Mamatha S.B as PW-1 who is the first informant in this case. She deposed in her chief examination that on 06-03-2024 at 8-40 p.m the CW-1 received credible information as accused was un-authorisedly and without any lawful permit possessing and selling the liquour at near Kengal cross, Dhadesugur village in public place without any lawful authority, CW-1 went to the spot for raid with his staff and panchas. When he went to the spot, at that time accused came from Block colour Mahindra Company Altra Delux Auto bearing reg.No.KA-36/B-9705 with one bag, they stopped him and enquired the accused he said his name as Sharanabasava. CW-1 searched the bag in the possession of accused and found 8 boxes wherein it contains 96 tetra-packs of Original choice Whiskey Choice containing 90 ML



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11. The counsel for accused cross examined the said witness. The PW-1 deposed in her cross examination that when she did not enquired about articles which were seized where accused purchased, same is available anywhere. Further, he denied all suggestions made by the counsel for accused.

12. The prosecution examined CW-1 and 2 by their names Chandrashekhar and Maresh as PW-1 and PW-2 who are seizure mahazar witnesses. These witnesses identified their signatures in Ex.P-1 seizure mahazar. They deposed that at about one year back they put their signatures in Excise department office. They further



deposed that they do not know the contents of Ex.P-1 and the Excise officials have not drawn any mahazar and not seized any liquor bottles in their presence.

13. These witnesses were treated as hostile. The learned Assistant Public Prosecutor cross-examined them. But nothing worth has been elicited from their mouth to prove that the police conducted mahazar and seized liquor bottles in their presence. The PW-1 and 2 denied the entire case of prosecution.

14. The prosecution examined CW-8 by name Mallavva Kethannawar as PW-4. She deposed that she send the liquor for chemical examination. Further she received B extract from RTO office Raichur. Further, she visited spot and took photos and recorded voluntarily statement of accused. After competition of investigation she filed charge sheet against accused. The Counsel for accused cross examined her, she denied all suggestions put by the counsel.

15. In order to substantiate the guilt against the accused the prosecution has to prove that on 16-03-2024 at 9-10 p.m the accused had illegal possession of liquors and selling those liquors without having any license. The CW-1 seized those liquor bottles from the custody of the accused.



17. In the present case, the PW-1 and 2 who are seizure mahazar witnesses turned hostile to the case of prosecution. The learned Assistant Public Prosecutor cross examined them. But nothing worth has been elicited from their mouth to prove that the PW-3 seized the liquor tetra-pockets/bottles from the custody of accused. Though the PW-3 and 4 i.e., Police officials deposed about the seizure of liquor pouches from the custody of accused, the evidence of those witnesses are not completely helpful to the case of prosecution. Accused had not any license to run a liquors in his house.

18. The PW-1 and 2 deposed that there are some public were gather at the time of mahazar. But the PW-3 has not recorded the statements of eye-witnesses who were present at the time of seizure. The case of prosecution is the accused was selling the liquor illegally without having any license. But PW-3 did not record the statements of customers or public. Moreover, he did not disclose the details of those customers and also not seized any amount from the accused which gained by the said sale. These facts create doubts about the genuineness of the case of prosecution. Hence the evidence of PW-1 and 2 are not completely helpful to the case of prosecution to substantiate the guilt against the accused. Because the evidence of PW-1 and 2 are not at all corroborated with the evidence of Mahazar witnesses PW-3 and 4.



To prove the guilt of the accused the evidence of officials has to corroborate with the evidence of independent seizure mahazar witnesses. But in the present case mahazar witnesses i.e., PW-3 and 4 completely turned hostile to the case of prosecution.

19. The prosecution has failed to proved that the Excise officials seized the liquor bottles from the custody of the accused. By looking to the entire oral and documentary evidence it appears that the prosecution has failed to prove the guilt against the accused for the alleged offences. Hence, I answer point No.1 and 2 in the “**Negative**”.

20. Point No.3:- For the above discussed reasons, I proceed to pass the following:

ORDER

Acting under Section 248(1) of Cr.P.C. the accused is hereby acquitted for the offences punishable U/Sec.11, 12, 14, 15, 32(1), 34 and 38(A) of Karnataka Excise Act.

Seized M.O.1 being worthless, ordered to be destroyed after completion of period of appeal.



The bail bonds executed by accused and surety in compliance of Sec.437-A of Cr.P.C. shall continue for the period of 6 months from the date of this order.

(Dictated to the stenographer, transcribed and typed by her, corrected by me and then pronounced in the open court on this 16th day of June 2026)

(Saraswati Hotkar)
I-Addl. Civil Judge & JMFC,
Sindhanur.

: ANNEXURE:

WITNESS EXAMINED ON BEHALF OF PROSECUTION:

P.W.1 : Chandrashekhar
P.W.2 : Maresh.
P.W.3 : Mamatha S.B
P.W.4 : Mallavva Kethannawar

WITNESS EXAMINED ON BEHALF OF ACCUSED

--Nil --

DOCUMENTS MARKED ON BEHALF OF PROSECUTION:

Ex.P.1 : Mahazar
Ex.P.1(a & b) : Signatures.
Ex.P.2 : List of Articles.
Ex.P.2(a) : Signature.
Ex.P-3. ; Model seal.
Ex.P-4 : Search warrant
Ex.P-5 : Notice to accused.
Ex.P-6 : Complaint.
Ex.P-7 : Letter to articles.
Ex.P-8 : FIR



Ex.P-9 : Requisition to RFSL.
Ex.P.9(a) : Signature.
Ex.P.10 : FSL report.
Ex.P-10(a) : Signature
Ex.P-11 : Requisition to RTO.
Ex.P-12 : B extract.
Ex.P-13 : Notice.
Ex.P-14 : Statement of accused.
Ex.P-15 : Spot report.
Ex.P-16 : Photographs.
Ex.P-17 : Sec.65-B certificate.

DOCUMENTS MARKED ON BEHALF OF ACCUSED

M.O. 1 : Sample Tetra-packs.

(Saraswati Hotkar)
I-Addl. Civil Judge & JMFC,
Sindhanur.



(Today Judgment pronounced in the open court
vide separate order)

ORDER

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Cr.P.C. the accused is hereby acquitted***



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**I-Addl. Civil Judge & JMFC,
Sindhanur.**