

CALENDAR & JUDGMENT

IN THE COURT OF THE II ADDITIONAL JUDICIAL MAGISTRATE OF
FIRST CLASS CUM II ADDITIONAL CIVIL JUDGE (JUNIOR DIVISION),
SATTENAPALLI.

C.C. No. 630/2022

1. Date of Offence	: 18-05-2021
2. Filing	: 18-05-2021
3. Date of apprehension of the accused	: 18-05-2021
4. Date of release on bail	: 02-06-2021
5. Date of commencement of trial	: 27-05-2026
6. Date of close of trial	: 27-05-2026
7. Date of Sentence or Order	: 29-05-2026
8. Explanation of delay if any	: Due to non-production of Witnesses.

COMPLAINANT :

State represented by the S.E.B.,
Thullur.
(Cr.No. 24/2021)

ACCUSED:

Peteti Lazaru, S/o. Balaram, 41 Years,
R/o. Chintalapudi Village, Chandarlapadu Mandal.

Section of Law : U/s.34(a)(1) of the A.P. Excise Act.

Finding of Court : Accused is found not guilty.

Sentence/Order : In the result, Accused is found not guilty for the offence punishable U/s.34(a)(1) of the A.P. Excise Act and accordingly, he is acquitted U/s. 248(1) of Cr.P.C. M.O.1 covered under C.P.R. No.147/2022 shall be destroyed after expiry of appeal time. Superintendent, Sub-Jail Sattenapalli, is directed to release the accused forthwith, if he is not required in any other case or crime.

Digitally Sd/- J. Sujin Kumar.

**II ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS
CUM II ADDITIONAL CIVIL JUDGE (JUNIOR DIVISION),
SATTENAPALLI.**

Copy submitted to the Hon'ble Chief Judicial Magistrate, Guntur District.

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**IN THE COURT OF THE II ADDITIONAL JUDICIAL
MAGISTRATE OF FIRST CLASS CUM
II ADDITIONAL CIVIL JUDGE (JUNIOR DIVISION),
SATTENAPALLI.**

Present :- J. SUJIN KUMAR

UID: AP2017CJD01053

**II Additional Judicial Magistrate of First Class Cum
II Additional Civil Judge (Junior Division), Sattenapalli.**

Friday, this the 29th day of May, 2026.

C.C. No. 630 of 2022

Between:

State represented by the S.E.B.,
Thullur.

...Complainant.

And

Peteti Lazaru, S/o. Balaram, 41 Years,
R/o. Chintalapudi Village, Chandarlapadu Mandal.

...Accused.

This case is coming on 29.05.2026 before me for final hearing in the presence of learned **Assistant Public Prosecutor** for the Prosecution and Sri **Sk. Bali Shaid** learned counsel for the accused and having stood over for consideration till this day, this court delivered the following:-

J U D G M E N T

01. The SEB Inspector of police, Thullur, has filed a charge sheet in Cr.No.24/2021 of SEB Thullur, against the accused for an offence punishable U/s.34(a) of the A.P. Excise Act.

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02. The case of the prosecution in nutshell:

On 18.05.2021 at about 05.00 P.M., L.W.4/M. Yasodhara Devi/Inspector along with her staff while conducting general raids near Amaravati to madduru Road near Essar petrol bunk, Amaravati Village and Mandal, there they noticed the accused with possession of one white color polythene cover and on seeing the police in uniform, the accused got perturbed and tried to escape, then on suspicion L.W.4 detained him with the help of her staff and on questioning the accused admitted that the said bag contains liquor bottles. Then L.W.4 instructed L.W.3 to secure mediators but none come forward to act as mediators. Then L.W.4 decided to proceed with the special report and opened the bag and found 14 nips of Andhra Gold Whisky with torned heels of duty paid liquor. On questioning the accused replied that he has no permit or licence to sell the said liquor bottles. Then L.W.4 seized the bottles from the possession of the accused and drawn a sample for analysis by following the Excise Rules and took him along with the seized contraband to the police station and registered the special report as F.I.R. in Cr. No.24/2021 for an offence U/s. 34(a) of the A.P. Excise Act and sent the original F.I.R. to the court and copies to all concerned and sent for remand. Further, L.W.4 sent the sample to the Government Chemical Examiner for analysis and the Analyst opined that the sample contains Indian liquor and after receipt of the analysis report and after completion of investigation L.W.5/Inspector filed charge sheet.

03. This court took cognizance for the offence punishable U/s. 34(a) of the A.P. Excise Act.

04. Copies of case record were furnished to the accused as required U/s. 207 of Cr.P.C.

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05. The accused was examined U/s. 239 Cr.P.C. and a charge for an offence punishable U/s.34(a)(1) of the A.P. Excise Act was framed and read over to him for which he pleaded not guilty and claims for trial.

06. In order to prove the case, L.W.3/Sub-Inspector was examined as P.W.1 respectively. The remaining witnesses were given up by the prosecution. Exs.P1 to P4 and M.O.1 are marked.

07. After completion of the prosecution evidence, the accused was examined U/s.313 Cr.P.C. by setting forth with the incriminating circumstances appearing in the evidence of prosecution, for which he denied the same and further reported that no defence evidence on his behalf.

08. Heard the learned Assistant Public Prosecutor and learned counsel for the accused.

09. Now the point for determination is:

“Whether the prosecution could able to bring home the guilt of the accused for the offence U/s. 34(a)(1) of the A.P. Excise Act, beyond all reasonable doubt?”

10. POINT :

To prove the offence U/sec.34(a)(1) of the A.P. Excise Act, the prosecution has to establish that the accused herein imports, exports, transports, manufactures, collects or possess or sells any intoxicant in contravention of the A.P. Excise Act,1968 or any license or of permit granted or issued under this Act.

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11. During the course of evidence, P.W.1/Sub-Inspector deposed that on 18.05.2021 at about 05.00 P.M., she along with her staff accompanied with LW4 and went near Amaravati to madduru Road near Essar petrol bunk, Amaravati Village and Mandal, there they found the accused with possession of one white polythene cover and with the assistance of her staff, LW4 caught hold of the accused and on enquiry the accused confessed that he is in possession of liquor bottles and he purchased the said contraband from different G.R.Os. in order to sell them at higher rates illegally. Then LW4 seized 14 liquor bottles from the possession of accused under the cover of special report and arrested the accused. Thereafter, she registered the special report as F.I.R. in Cr. No. 24/2021 and sent for remand. Later she sent sample for analysis and after completion of investigation L.W.5/Inspector filed charge sheet.

12. During cross examination, P.W.1 admitted that they did not issue any written summons or notices to mediators and the Ex.P1 does not contain the particulars and names of the persons to whom P.W.1 requested to act as mediators and no batch numbers or manufacturing dates of the seized liquor bottles were mentioned in Ex.P1. Furthermore, they admitted that the scene of offence was a busy locality and as seen from the evidence of P.W.1, it is clear that the scene of offence is not an isolated place and there is every opportunity to P.W.1 and L.W.4 to secure the revenue officials or local inhabitants to act as mediators, for the arrest of the accused and for seizure of 14 liquor bottles, which are alleged to be in possession of the accused.

13. Generally, in villages there will be available of all village level officers and the officials of all Departments of the Government. So, the police officials may approach any official of any Department of Government

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or local body other than V.R.O. or Sarpanch, to act as mediator. In the present case, the police officials did not try to secure any of those officials as mediators. Except the evidence of P.W.1, who is the excise officials, there is no other evidence to prove the guilt of the accused.

14. At this juncture, it is relevant to rely on the judgment of our Hon'ble Composite High Court in ***Botcha Raju Vs. State Rep. by the Inspector of Police, Vizianagaram Rural Circle***, reported in ***1994(2) ALT Crl.P. 69 (A.P.)***, wherein it was held by the Hon'ble High Court that the conviction cannot be given basing on the sole evidence of the police officer without corroboration by disinterested witnesses. In the case on hand, except the evidence of P.W.1 i.e., police official, there is no evidence on behalf of prosecution to prove the guilt of the accused, which is not believable.

15. For the foregoing reasons, as there is no convincing and satisfactory evidence to prove that the accused was found in possession of liquor bottles as alleged, Ex.P3 could not be relied upon. Though Ex.P3 discloses that the contents of sample liquor bottle contains the Indian alcohol, as there is no convincing evidence to prove that the contents of sample liquor bottle drawn from seized liquor bottles said to be found from the possession of the accused, and the same could not be relied upon.

16. Therefore, in view of the evidence let in by the prosecution, this court opines that the prosecution failed to prove the guilt of the accused for the offence punishable U/s.34(a)(1) of the A.P. Excise Act beyond all reasonable doubt.

17. IN THE RESULT, Accused is found not guilty for the offence punishable U/s.34(a)(1) of the A.P. Excise Act and accordingly, he is

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acquitted U/s. 248(1) of Cr.P.C. M.O.1 covered under C.P.R. No.147/2022 shall be destroyed after expiry of appeal time. Superintendent, Sub-Jail Sattenapalli, is directed to release the accused forthwith, if he is not required in any other case or crime.

Typed to my dictation by the Stenographer Gr-III, corrected and pronounced by me in open court, this the 29th day of May, 2026.

Digitally Sd/- J. Sujin Kumar.

**II ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS
CUM II ADDITIONAL CIVIL JUDGE (JUNIOR DIVISION),
SATTENAPALLI.**

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR PROSECUTION:

P.W.1: Ch. Geetha/Sub-Inspector.

FOR DEFENCE: None

EXHIBITS MARKED

FOR PROSECUTION:

Ex.P1: Special Report.

Ex.P2: FIR.

Ex.P3: Chemical Analysis Report.

Ex.P4: Confiscation Proceedings.

FOR DEFENCE: --Nil--

MATERIAL OBJECTS

M.O.1: One Sample bottle of Andhra Gold whisky 180ml.

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