

IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS :: BOATH ::
ADILABAD DISTRICT.

Friday, this the 12th day of May, 2023

PRESENT:- SRI B.HUSSAIN
Judicial Magistrate of First Class,
Boath.

CC.No.314 OF 2022

Between:

The State of Telangana through
Prohibition and Excise Echoda Station.

.....Complainant

A n d

Utnoor Rama Goud, S/o. Kishan Goud, Age: 40 years, Caste: Goud, Occ; Coolie, R/o.
Echoda village and Mandal.

.....Accused.

This case having come before me for final hearing on 12.05.2023 in the presence of Sri H.Sridhar, learned A.P.P., for the state and of Sri T.Rupender Singh, learned counsel for A1 to A4, upon perusing the material papers on record and upon hearing the counsel on either side, this Court delivers the following :

J U D G M E N T

The Sub- Inspector of police, prohibition and Excise filed charge sheet against Accused in COR No.247/2021, for the offence punishable U/Sec. 34(a) of A.P.Excise Act.

2. The brief facts of the prosecution case are as follows :-

On 22.12.2021 at about 05.10. p.m., on reliable information about the illegal possession and sale of Toddy, the LW3 along with Lws 1 to 3 were proceeded to the place of offence and found that suspectable movements and running of shop, on seeing that LW3 ordered to staff to chase the accused but he ran away and absconded from the scene of offence. Later, LW3 and staff reached the place of offence and searched the premises found (100) polythin Covers which contained (65) liters of Toddy in the presence of Lws 1 and 2. After that, the LW3 drawn the (02) samples of each sample

(350)ml of toddy in (650)ml bottle for chemical analysis and destroyed the remaining toddy on the spot under cover of panchanama in the presence of Lws 1 and 2.

After that, LW4 registered a case in COR No.247/2021 for the offence punishable U/Sec. 34(a) of Excise Act. Brought the samples to the station and were sent to Regional Prohibition and Excise Laboratory, Nizamabad for chemical analysis and report.

On 10.01.2022, Accused came to Prohibition and Excise Station, Echoda and surrendered before LW4. As such, Lw4 served notice U/Sec.41-(a) Cr.P.C notice and instructed him to appear before the Hon'ble Court on receipt of summons.

Later, the Chemical examiner, Regional Prohibition and Excise Laboratory, Nizamabad issued report on 02.03.2022. After completion of investigation, he filed charge sheet against Accused.

3. This case was taken on file for the offence punishable U/Sec.34(a) of TS Excise Act, 1968 against Accused.

4. On appearance of Accused, copies of case documents were furnished to him as contemplated U/Sec.207 of CrPC.

5. The Accused was examined U/Sec.239 CrPC. The charge U/Sec.34(a) of TS Excise Act, 1968 was framed. The contents of charge were read over and explained to him in Telugu. For which, he denied the same, pleaded not guilty and claimed to be tried.

6. Ample opportunity given to the prosecution. Though, they failed to produce the list of witnesses. Hence, this court was constrained to suo-motu close their evidence.

7. As there is no incriminating evidence from the prosecution witnesses against the accused. As such, the examination of accused U/Sec. 313 Cr.P.C is dispensed with.

8. Arguments also dispensed with.

9. Now, the point for consideration is:

Whether the prosecution has succeeded in proving its contention levelled against the accused beyond all reasonable doubt that the Accused committed the offence punishable U/Sec.34(a) of TS Excise Act, 1968 ?

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10. Ample opportunity given to the prosecution. Though, they failed to produce the list of witnesses. Hence, this court was constrained to suo-motu closed their evidence.

ii) As there is no material available on record to hold that the Accused guilty for the offence punishable U/Sec.34(a) of TS Excise Act, 1968 as on the date of commission of offence beyond all reasonable doubt. As such, the Accused was given the benefit of doubt for the same.

11. **In the result**, the Accused is found not guilty for the offence punishable U/Sec.34(a) of TS Excise Act, 1968. Accordingly, he is acquitted U/Sec.248(1) of Cr.P.C. His bail bonds shall stand cancelled after appeal time is over. The unmarked property if any, shall be destroyed after appeal time is over.

(Typed to my dictation by Steno, after correction, pronounced by me in the open Court on this the 12th day of May, 2023).

JUDICIAL MAGISTRATE OF FIRST CLASS
BOATH

**APPENDIX OF EVIDENCE
WITNESSES EXAMINED**

FOR PROSECUTION:

None

FOR DEFENCE:

None

EXHIBITS MARKED

FOR PROSECUTION:

-Nil-

FOR DEFENCE:

-Nil-

MATERIAL OBJECTS:

- Nil -

Sd/-

JUDICIAL MAGISTRATE OF FIRST CLASS
BOATH

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IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-CUM-
JUNIOR CIVIL JUDGE, BOATH

CC.No. 314 of 2022

1.	Date of offence	22.12.2021
2.	Date of Report/Complaint	22.12.2022
3.	Date of Apprehension of Accused	22.12.2022
4.	Date of Release	-
5.	Date of Commencement of Trial	-
6.	Date of Closure of Trial	-
7.	Date of Sentence/Order	12.05.2023
8.	Explanation for Delay	-
9.	Remarks	--
10.	Name of Complainant	The State of Telangana through Prohibition and Excise Echoda Station
11	Name of the accused	
	Utnoor Rama Goud, S/o. Kishan Goud, Age: 40 years, Caste: Goud, Occ; Coolie, R/o. Echoda village and Mandal.	
12.	Offence Under Section(s)	U/Sec.34(a) of TS Excise Act, 1968
13.	Finding of the Court	Found not guilty .
14.	Sentence/order	
	In the result , the Accused is found not guilty for the offence punishable U/Sec.34(a) of TS Excise Act, 1968. Accordingly, he is acquitted U/Sec.248(1) of Cr.P.C. His bail bonds shall stands cancelled after appeal time is over. The unmarked property if any, shall be destroyed after appeal time is over.	

Judicial Magistrate of First Class-cum-
Junior Civil Judge, Boath.