



2025:TSHC:31016

[3444]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 10590 OF 2025

Between:

Yarram Rajeshwar Rao, s/o Vaikuntam, aged about 56 years, occ. Business,
Prop.M/s Jeevan Trading Company, 7-3-45/1, Plot No. 24, Mallikarjuna Nagar
Colony, Bairamalguda, Hyderabad, having shop at Maharajgunj, Gowliguda,
Hyderabad.

...Petitioner/Accused No.2

AND

The State of Telangana, through S.H.O., Suryapet II town Police Station,
Suryapet District, rep. by its Public Prosecutor, High Court, Hyderabad.

...Respondent/Complainant

Petition under Section 528 of BNSS praying that in the circumstances
stated in the Memorandum of Grounds of Criminal Petition, the High Court may
be pleased to call for the records relating to the charge sheet in C.C. No. 279 of
2024 on the file of the Principal Judicial First Class Magistrate Court at Suryapet,
and quash the proceedings there on.

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances
stated in the Memorandum of Grounds of Criminal Petition, the High Court may
be pleased to grant stay of all further proceedings including the appearance of
the petitioner in C.C. No.279 of 2024 on the file of the Principal Judicial First
Class Magistrate Court at Suryapet, pending disposal of the Criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri Arvapalli
Shiva Sai Nath, Advocate for the Petitioner and the Sri Jithender Rao
Veeramalla, Additional Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER



THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.10590 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of the proceedings against the petitioner in C.C.No.279 of 2022, on the file of the learned Principal Judicial Magistrate of First Class, Suryapet. The petitioner is arrayed as accused No.2 in the Calendar Case registered for the offences punishable under Sections 34(E) of T.S.Excise Act, 1968.

2. Heard Mr. A.Shiva Sainath, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, representing the respondent-State.

3. The accusation against the petitioner is that he is running business of white jaggery powder and alum allied material which are used for manufacturing illicit distilled liquor and supply these materials on orders from the customers.

4. Learned counsel for the petitioner submits that none of the allegations demonstrate that the petitioner is involved in distilling illicit liquor and the accusation of conducting business in black jaggery powder and Alum would not call for prosecution. He further submits



that this Court vide order dated 06.02.2025 in Criminal Petition No.1664 of 2025 had considered similar aspect and concluded that in the absence of any materials that the petitioner processed intoxicant substance, cannot be held liable for any offence under the Excise Act and quashed the proceedings. Thus, as the contested aspect in the present criminal petition is squarely covered in the earlier judgments, prayed for putting into effect and to quash the proceedings.

5. Learned Additional Public Prosecutor fairly submits that the aspect has been considered and determined by this Court in the above referred criminal petition and that proposition is squarely applicable to the present case.

6. I have perused the materials on record and carefully considered the submissions of the learned counsel.

7. A Coordinate Bench of this Court, in Criminal Petition No. 1664 of 2025, after considering the Memo issued by the Government of Andhra Pradesh (Memo No. 47802/Ex.III.1/2006-13, dated 20.12.2010), noted that the Government had declined the request to impose a ban or restriction on the possession or sale of black jaggery or jaggery under Section 2 of the Telangana Excise Act. Upon examining the scope and intent of Section 2(22A), as well as Sections 13(1)(f), 34, and 42(c) of the Telangana Excise Act, the Court held that engaging in the business of purchasing or selling jaggery does not



constitute an offence. The relevant portion is reproduced below:

"Sections 34 and 13(1)(f) of the Telangana Excise Act, lays down penalty for illegal import, export etc., and for manufacture of the prohibited material mentioned therein without any license or permit. Section 34€ penalizes the use, keeping in possession any material, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing any intoxicant other than toddy. The presumption given under Section 42(c) of the Excise Act is that any materials which have undergone any process towards the manufacture of any intoxicant or from which an intoxicant has been manufactured; for the possession of which he is unable to account satisfactorily. There is no material to show that the petitioners have processed the said black jaggery for the purpose of manufacturing any intoxicant substance. As earlier discussed, jaggery does not fall within the term 'material', as enumerated under Section 2 (22A) of the Telangana Excise Act. Thus, it is clear that the petitioners, who are engaged in the business of purchase and sale of jaggery, have not committed the offences alleged against them.

In view of the above, this Court is of the considered view that the continuation of the proceedings against the petitioners-accused Nos.2 and 5 amounts to abuse of process of law."



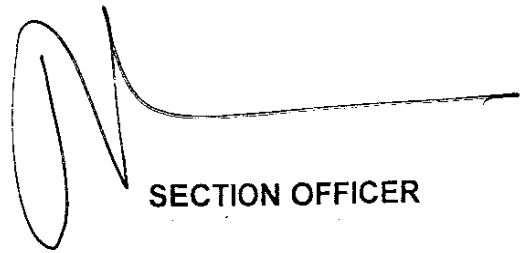
8. In light of the settled legal position outlined above, and considering that the sole allegation against the petitioner is that he is engaged in the business of black jaggery powder and Alum, the continuation of criminal proceedings against him would amount to an abuse of the legal process. Accordingly, the proceedings against the petitioners-accused No.2 in C.C.No.279 of 2022, on the file of the learned Principal Judicial Magistrate of First Class, Suryapet, are liable to be quashed.

9. For the reasons stated above, the Criminal Petition is allowed. Consequently, the proceedings against the petitioners-Accused No.2 in C.C. No. 279 of 2022, on the file of the learned Principal Judicial Magistrate of First Class, Suryapet, are hereby quashed.

Miscellaneous Applications pending, if any, shall stand closed.

SD/- C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The Principal Judicial First Class magistrate Court, Suryapet.
2. The Station House Officer, Suryapet-II Town Police Station, Suryapet District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri Arvapalli Shiva Sai Nath Advocate [OPUC]
5. Two CD Copies

NVB/PSL





2025:TSHC:31016

HIGH COURT

DATED:20/08/2025

ORDER

CRLP.No.10590 of 2025



ALLOWING THE CRIMINAL PETITION

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8/9/25