



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200333 OF 2026

(482(Cr.PC)/528(BNSS))

BETWEEN:

MANTAGOUD S/O ADDIVEPPAGOUDA BIRADAR
AGE: 35 YEARS, OCC: BUSINESS
R/O BANATTI VILLAGE (P.A)
DIST: VIJAYAPURA

...PETITIONER

(BY SRI. AVINASH A UPLAONKAR., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH
THE BASAVANA BAGEWADI POLICE STATION
DIST: VIJAYAPURA
NOW REPRESENTED BY
ADDL. SPP HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107

...RESPONDENT

(BY SRI.JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.2123/2025 (CRIME NO.09/2025 OF BASAVANA BAGEWADI POLICE STATION, DIST: VIJAYPURA), FOR THE OFFENCES U/SEC. 288 OF BNS AND SECTION 9(B) OF EXPLOSIVE ACT 1884, PENDING ON THE FILE OF CIVIL JUDGE AND JMFC, BASAVANA BAGEWADI, AGAINST THE PETITIONER.





THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to quash proceedings against
petitioner/accused No.3 in C.C.No.2123/2025, arising out of
Crime No.09/2025, registered by the Basavana Bagewadi Police
Station, Dist: Vijayapura, for the offences punishable under
sections 288 of BNS and Section 9(B) of the Explosives Act,
1884 (for short 'the Act'), pending on the file of Civil Judge and
JMFC, Basavana Bagewadi.

2. The abridged facts of the case are, the Police officer
of Basavana Bagewadi Police Station i.e., complainant received
a credible information that, explosive like Apex power-90, was
illegally transporting from M/s. Sai Traders, belonging to
accused No.2-Prasannakumar of Yalwar village, in the Bolero
vehicle bearing registration No.KA-28/AB-0711, which was kept
backside of the vehicle and departing towards Yalwar to
Ingaleshwar-Basavana Bagewadi through Muttagi within the
limits of Jainapur village, without any precaution and license



from Government. Thereafter, he along with the panchas conducted a raid and on enquiry, accused No.1 stated that he purchased the same from accused No.2 without any licence. As such, the complainant seized the explosives under a panchanama and arrested accused No.1. Based on his voluntary statement, petitioner/accused No.3 was implicated in the crime. Subsequently, respondent-Police conducted the investigation and laid charge sheet against petitioner and accused Nos.1 and 2 for the aforementioned offences. Accordingly, learned Magistrate took cognizance of the offences. Hence, aggrieved by the same, the petitioner/accused No.3 filed this petition to quash the proceedings.

3. Heard learned counsel for the petitioner and learned High Court Government Pleader for the respondent-State.

4. Apart from urging several contentions, learned counsel for the petitioner contended that, petitioner/accused No.3 was implicated in the crime solely based on the voluntary statement of accused No.1. He also contended that, petitioner was a licensed seller of explosives and by placing the license, he submitted that, despite possessing valid license and without



issuing any show cause notice as contemplated under the Act, petitioner is implicated in the crime. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader appearing for respondent-State opposed the petition and prays to dismiss the same.

6. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents made available on record.

7. As could be gathered from records, based on the credible information, the PSI conducted a raid within the limits of Jainapur village, where he found accused No.1 along with the explosives stated *supra*. On enquiry, accused No.1 revealed that the same was purchased from accused No.2. The learned counsel for petitioner placed the license obtained by him for supply and transport of the explosives and the same depicts that the said licence is valid from 20.03.2016 to 31.03.2028. Even otherwise, as rightly contented by the learned counsel for petitioner, except the voluntary statement of accused No.1, absolutely no other materials are placed against the petitioner



to substantiate that accused No.1 purchased the same from him.

8. In such circumstance, considering the aspect that petitioner had valid license to sell and transport the explosive and solely based on the voluntary statement of accused No.1 implicated in the crime and now it is well settled that, solely based on the voluntary statement of co-accused, the other accused cannot be implicated in the crime without any corroborative piece of evidence. Hence, I am of the considered view that, continuation of the criminal proceedings against petitioner/accused No.3 is clear abuse of process of Court. Even, if the entire allegation in the FIR and charge sheet accepted on its face value, even then, the same do not *prima facie* constitute an offences charge sheeted against petitioner/accused No.3. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.



- ii. The proceedings against petitioner /accused No.3 in C.C.No.2123/2025, arising out of Crime No.09/2025, registered by the Basavana Bagewadi Police Station, Dist: Vijayapura, for the offences punishable under sections 288 of BNS and Section 9(B) of the Explosives Act, 1884 (for short 'the Act'), pending on the file of Civil Judge and JMFC, Basavana Bagewadi, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE