



**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. 201128 OF 2025
(482(Cr.PC)/528(BNSS))**

BETWEEN:

1. MAHANTGOUDA @ CHETANGOUDA
S/O ADDIVEPPAGOUDA BIRADAR
AGE: 34 YEARS
OCC: BUSINESS
R/O. BANATTI VILLAGE (P.A.),
DIST: VIAYAPURA-586128
2. SANGANAGOUDA
S/O ADIVEPPAGOUDA BIRADAR
AGE: 26 YEARS
OCC: BUSINESS
R/O. BANNETTI P.A.,
DIST: VIJAYAPURA-586128

...PETITIONERS

(BY SRI. AVINASH A UPLAONKAR., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH THE PSI OF
DEVARAHIPPARAGI POLICE STATION
DIST:VIJAYAPURA
NOW REPRESENTED BY
ADDL. SPP HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585 107

...RESPONDENT

(BY SRI.JAMADAR SHAHABUDDIN, HCGP)





THIS CRL.P IS FILED U/SEC. 528 OF BNSS (NEW) PRAYING TO EXERCISE THE INHERENT POWERS U/SEC.528 OF BNS 2023 EXAMINE THE RECORDS AND PLEASED TO QUASH THE PROCEEDINGS IN CC NO.4300/2022 (CRIME NO.39/2021 OF DEVARAHIPPARAGI POLICE STATION, DIST: VIJAYAPURA) FOR THE OFFENCES U/SEC. 286 OF INDIAN PENAL CODE AND SECTION 9(b)(1)(b) R/W 5 OF INDIAN EXPLOSIVES SUBSTANCES ACT, 1908 AND SECTION 47, 49, 50, 71(1), 80(1) EXPLOSIVE RULE 2008, IS PENDING ON THE FILE OF COURT OF CIVIL JUDGE AND JMFC COURT, SINDAGI.

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.1 in C.C.No.4300/2022, arising out of Crime No.39/2021, registered by the Devara Hipparagi Police Station, Dist: Vijayapura, for the offences punishable under sections 286 of BNS, Section 9(B)(1)(B) r/w Section 5 of the Explosives Act, 1884 (for short 'the Act'), and Section 47, 49, 50, 71(1) and 81(1) of the Explosives Rules 2008, pending on the file of Civil Judge and JMFC, Sindagi.

2. The abridged facts of the case are, the PSI of Devara Hipparagi Police Station i.e., complainant received a



credible information that, explosives like Gelatin and Detonator, were illegally possessed in vehicles standing in the field of the petitioner/accused No.1, within the limits of Bannetti village, without any precaution and license from Government. Thereafter, he along with the panchas conducted raid and caught accused No.1 and raided five Bolero zeeps and on enquiry, accused No.2 stated that these explosives belong to the petitioner i.e., his brother and will be transported tomorrow to other places. As such, the complainant seized the explosives under a panchanama and arrested accused No.2. Based on his voluntary statement, petitioner/accused No.1 was implicated in the crime. Subsequently, respondent-Police conducted the investigation and laid charge sheet against petitioner and accused Nos.2 for the aforementioned offences. Accordingly, learned Magistrate took cognizance of the offences. Hence, aggrieved by the same, the petitioner/accused No.1 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.1 was implicated in the crime solely based on the voluntary statement of accused No.2. 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 Bannetti village, where he found accused No.2 along with the explosives stated *supra*. On enquiry, accused No.2 revealed that the same belong to the petitioner. 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.2, absolutely no other materials are placed against the petitioner to substantiate that the petitioner illegally possessed the explosives.

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.1 in C.C.No.4300/2022, arising out of Crime No.39/2021, registered by the Devara Hipparagi Police Station, Dist: Vijayapura, for the offences punishable under sections 286 of BNS, Section 9(B)(1)(B) r/w Section 5 of the Explosives Act, 1884 (for short 'the Act'), and Section 47, 49, 50, 71(1) and 81(1) of the Explosives Rules 2008, pending on the file of Civil Judge and JMFC, Sindagi, is hereby quashed.

**Sd/-
(RAJESH RAI K)
JUDGE**

MSR
List No.: 1 Sl No.: 42
CT-BH