



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201700 OF 2025

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

BETWEEN:

MANIKANTH S/O. NARENDRA RATHOD
AGED ABOUT 28 YEARS, OCC POLITICIAN
R/AT BHORABAND TANDA
N/A BHARATH FRIDE PARK APARTMENT,
KALABURAGI - 585102.

...PETITIONER

(BY SRI BASAVARAJ C. JAKA., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SHAHABAD TOWN POLICE STATION
TQ.SHAHABAD AND
DIST KALABURAGI - 585228.
NEW REPRESENTED BY
ADDL SPP HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107.

...RESPONDENT

(BY SRI SIDDALING P. PATIL, ADDL. SPP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION AND BE PLEASED TO QUASH THE PROCEEDINGS IN C.C.NO. 59/2025 PENDING ON THE FILE OF CIVIL JUDGE AND JMFC AT SHAHABAD WHICH WAS REGISTERED ON THE BASIS OF CASE REGISTERED IN CRIME NO.58/2024 AND FILED CHARGE SHEET BY THE SHAHABAD TOWN POLICE STATION FOR THE

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Location: HIGH
COURT OF
KARNATAKA



OFFENCES PUNISHABLE U/SEC. 3 AND 7 OF THE ESSENTIAL COMMODITIES ACT AND RULE 18 OF PDS CONTROL ORDER 1992 TO SECURE THE ENDS OF JUSTICE AND TO PREVENT ABUSE OF PROCESS OF THE COURT AND PASS SUCH OTHER ORDER.

THIS PETITION COMING ON FOR ADMISSION, 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 the proceedings against the petitioner/accused No.3 in C.C.No.59/2025, arising out of Crime No.58/2024, registered by Shahabad Town Police, for the offence punishable under Section 3 and 7 of the Essential Commodities Act and Rule 18 of PDS Control Order, 1992, pending on the file of Civil Judge & JMFC, Shahabad.

2. The abridged facts of the case are that one Srikanth, Food Inspector, Shahabad, lodged a complaint against three persons including this petitioner on 12.06.2024 alleging that, on the same day at about 11:00 a.m., based on the credible information that some persons



are illegally transporting PDS rice in a lorry bearing No.MH-46/F-6111, the complainant requested the Police to accompany him and thereby altogether, intercepted the vehicle near Basaveshwar Chowk. At that time, the driver of the lorry i.e., accused No.1 revealed that he was transporting the said PDS rice from Shahabad to Umerga Lakshmi Timmayya Rice Mill. The respondent-Police, arrested accused No.1 and lodged the complaint, which registered in Crime No.58/2024 dated 12.06.2024 for the aforementioned offences. Subsequently, the respondent-Police conducted investigation and laid charge-sheet against the accused persons by arraying this petitioner as accused No.3. Accordingly, learned Magistrate took cognizance of the offences. Hence, the petitioner is before this Court to quash the proceedings against him.

3. Heard learned counsel for the petitioner and learned Addl. SPP for the respondent-State.

4. Apart from urging several contentions, learned counsel for the petitioner primarily contented that, except



the voluntary statement of accused No.1, absolutely no other materials are placed by the prosecution to the involvement of this petitioner in the alleged crime. Admittedly, the PDS rice was seized at the instance of accused No.1 and according to him, the said rice was sent by accused No.2-Zunaid to the mill of this petitioner. In such circumstance, the proceedings against this petitioner is liable to be quashed. Accordingly, prays to allow the petition.

5. *Per contra*, learned Addl. SPP opposed the prayer and contended that, now the charge-sheet has been laid against the petitioner and the materials available on record clearly disclose the involvement of this petitioner in the alleged crime. Accordingly, prays to dismiss the petition.

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



7. As could be gathered from records and on perusal of the entire charge-sheet materials, except the voluntary statement of accused No.1, no other statement or documents available on record to implicate this petitioner in the crime. It is settled portion of law that, as per Section 114 of Indian Evidence Act/Section 119 of Bharatiya Sakshya Adhiniyam, 2023 (for short, 'BSA, 2023'), the statement of an accomplice is unworthy of credit, unless the same is corroborated in a material particulars.

8. Even otherwise, as per the judgment of the Hon'ble Apex Court, in the case of ***Surinder Kumar Khanna vs. Intelligence Officer, Directorate of Revenue Intelligence*** in ***Crl.Appeal No.949/2018 DD 31.07.2018*** held that, on the principles laid down by the Hon'ble Apex Court, such confessional statement of a co-accused cannot by itself be taken as a substantive piece of evidence against another co-accused and can be at best be used or utilized in order to lead assurance to the Court.



In such circumstances, in my considered view, continuation of the proceedings against this petitioner/accused No.3 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused No.3 in C.C.No.59/2025, arising out of Crime No.58/2024, registered by Shahabad Town Police, for the offence punishable under Section 3 and 7 of the Essential Commodities Act and Rule 18 of PDS Control Order, 1992, pending on the file of Civil Judge & JMFC, Shahabad, is hereby quashed.

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

SDU
LIST NO.: 1 SL NO.: 26
CT:RJ