

(2021) 06 KAR CK 0030
In the Karnataka High Court
Case No : Criminal Petition No. 3584 Of 2021

Manjamma & Others

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 01-06-2021

Acts Referred:

Karnataka Excise Act, 1965 — Section 32, 34
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2021) 06 KAR CK 0030

Hon'ble Judges : Sreenivas Harish Kumar, J

Bench : Single Bench

Advocate : N. Srinivas

Final Decision : Dismissed

Judgement

Sreenivas Harish Kumar, J

1. Heard the petitioners' counsel at the time of admission.
2. The petitioners are said to be accused No.2 and 3 in C.C.No.1433/2017 being tried by the JMFC Chitradurga for the offences punishable under Sections 32 and 34 of the Karnataka Excise Act.
3. Sri N.Srinivasa, learned counsel for the petitioners submits that actually the police recovered 78 pouches of Whisky, each measuring 90ml, from the possession of accused No.1. Based on the voluntary statement that has been given by accused No.1, these petitioners have been implicated. It is his submission that trial has already commenced and that the independent panch witnesses have turned hostile. It is his submission that since the petitioners have been implicated on the basis of the voluntary statement of accused No.1 and that the panch witnesses have turned hostile, absolutely

there is no case against the petitioners. For these reasons proceedings against the petitioners are to be quashed.

4. Learned High Court Government Pleader Sri Mahesh Shetty submits that the trial is on the verge of completion. If there is no case against the petitioners, the trial Court will certainly acquit them. At this stage there is no case for interference.

5. As has been submitted by the petitioners' counsel, trial has already commenced and four witnesses have been examined. If the implication of the petitioners is on the basis of the voluntary statement of accused No.1 only, the petitioners are at liberty to highlight the same and they can argue on merits. The trial Court can take a decision whether only on the basis of the confession statement of accused No.1, the other accused can be inculpated or not. I don't think that at a stage when the trial has already commenced and prime witnesses have already been examined, there is scope for entertaining the petition under Section 482 of Cr.P.C. Therefore petition is dismissed.

Since the petitioners are women, the trial Court is hereby directed to expedite disposal of the case.

IA No.1/2021 does not survive for consideration.