IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 201525 OF 2024

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

BETWEEN:

1. SUKHADEVSING S/O RAMSINGH JADEJA,
AGED ABOUT 39 YEARS, OCC: TRUCK DRIVER,
R/O. NR 80 QUARTERS,
PO. BEDESHWAR,
SUB DISTRICT JAMNAGAR,
DIST. JAMNAGAR,
GUJARATH-361002.

2. ESHWAR S/O GANDURANA ATAK,
AGED ABOUT 35 YEARS,
OCC: TRUCK CLEANER,
R/O. BELESTAR JAMNAGAR,
TQ. AND DIST. JAMNAGAR,
GUJARATH-361002.

3. SHAFRAZ
S/O MAHADBHAI IBHRAHI DODAI,
AGED ABOUT 27 YEARS, OCC: BUSINESS,
R/O. NO. 90, JAWAHAR NAGAR,
BEHIND INDIA BAKERY,
DHARARANAG, TQ. JAMNAGAR,
GUJARATH.

...PETITIONERS

(BY SRI RAVI B. PATIL, ADVOCATE)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   THROUGH CHITAGUPPA PS,
   REP. BY ITS ADDL. STATE PUBLIC PROSECUTOR,
   ADVOCATE GENERAL'S OFFICE,
   HIGH COURT BUILDING,
   KALABURAGI-585103.

2. BINDU KUMARI W/O MANIKRAO BADGE,
   FOOD INSPECTOR
   HUMNABAD,
   TQ. HUMNABAD,
   DIST. BIDAR.

…RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1 AND R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO 1) ALL THE PRESENT PETITION AND QUASH THE FIR AND CHARGE SHEET IN CRIME NO. 52/2023 DATED 16.04.2023 AND ALSO ORDER OF TAKING COGNIZANCE DATED 27.07.2024 CULMINATING IN C.C.NO. 3388/2024 BEING REGISTERED BY THE CHITAGUPPA P.S. RESPONDENT NO.1 JURISDICTIONAL POLICE (U/SEC. 3, 7) EC ACT 1955 PENDING ON THE FILE OF THE COURT OF ADDL. CIVIL JUDGE (JR.DN) AND JMFC AT HUMNABAD DIST. BIDAR AS ILLEGAL AND WITHOUT ANY AUTHORITY. 2) GRANT SUCH OTHER ORDER/S AS THIS HON'BLE COURT MIGHT DEEM FIT IN THE CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

Accused Nos.2 to 4 in C.C.No.3388/2024 pending before the Court of Addl. Civil Judge (Jr. Dn) & JMFC, Humnabad, Bidar District, arising out of Crime No.52/2023 registered by Chitaguppa Circle Police Station, Bidar District, for the offences punishable under Sections 3 & 7 of Essential Commodities Act, 1955, are before this Court under Section 482 of Cr.P.C., with a prayer to quash the entire proceedings in the aforesaid case as against them.

2. Heard the learned Counsel for the parties.

3. Learned Counsel for the petitioners submits that the petitioners are the owner, driver and cleaner of the lorry in question, in which the rice was allegedly being transported without requisite documents. He submits that petitioners have produced all the necessary documents which stand in their name for the purpose of transporting

the rice and inspite of the same, they have been charge sheeted in the present case for extraneous reasons.

4. Per contra, learned HCGP who was directed to take notice for respondent Nos.1 and 2 submits that the petitioners have now produced documents to show that the petitioners had obtained necessary permission for transport of the rice. However, the said documents were not produced before the Investigation Officer and it is under these circumstances, the petitioners were charge sheeted. She submits that the documents produced by the petitioners are valid and genuine documents.

5. Material on record would go to show that the rice which was being transported in the vehicle bearing registration No.GJ-10-TV-5792 was purchased from M/s. Vaishnodevi & Co. at Bidar and was being transported to Rajkot in Gujarat State.

6. Learned Counsel for the petitioners has produced necessary bill of sales issued by M/s.

Vaishnodevi & Co. which shows that the rice which was being transported was purchased from the said company and necessary way bills were also issued by the said Company for transport of the rice purchased from them. Permit for transportation of the rice was obtained by the said Company from APMC and copy of the same is also made available to the Court.

7. Learned HCGP on verification has submitted that all the documents which are now produced by the petitioners to show that they had valid and legal documents for the purpose of transporting the rice question in the vehicle bearing No.GJ-10-TV-5792 are said to be genuine and valid documents. Under the circumstances, I am of the opinion that the prayer made by the petitioners needs to be granted. Accordingly, the following order:

8. The criminal petition is allowed. The entire criminal proceedings in C.C.No.3388/2024 pending before the Court of Addl. Civil Judge (Jr. Dn) & JMFC, Humnabad,

Bidar District, arising out of Crime No.52/2023 registered by Chitaguppa Circle Police Station for offences punishable under Sections 3 & 7 of Essential Commodities Act, 1955, is hereby quashed as against the petitioners.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

TMP
List No.: 1 Sl No.: 65
CT:PK