



CNR: KAHC010255222026

NC: 2026:KHC:48559
CRL.RP No. 597 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 597 OF 2026

(397(Cr.PC) / 438(BNSS))

BETWEEN:

1. SHANTHA
W/O NAGARAJU,
AGED ABOUT 60 YEARS,
R/AT K. SHETTAHALLI VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA-571807

2. NAGARAJU,
S/O CHIKKANINGEGOWDA,
AGED ABOUT 65 YEARS,
R/AT K.SHETTAHALLI VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA-571807

...PETITIONERS

(BY SRI. RAJU C N, ADVOCATE)

AND:

1. STATE BY EXCISE INSPECTOR
SRIRANGAPATAN ZONE, MANDYA,
REPRESENTED BY SPP HIGH COURT OF KARNATAKA
AT BANGALORE-560 001

...RESPONDENT

(BY SRI.VINAY MAHADEVAIAH, HCGP)

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Location:
HIGH
COURT OF
KARNATAKA



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THIS CRL.RP IS FILED U/S. 397 R/W 401 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO SET ASIDE THE ORDER PASSED IN SPL.C NO.98/2023 ON THE FILE OF THE PRL.DISTRICT AND SESSIONS JUDGE AT MANDYA DATED 14.08.2025 ARSING OUT OF CRIME NO.101/2021-22 OF SRIRANGAPATNA EXCISE POLICE, MANDYA FOR THE OFFENCES P/U/S 20(b), 25, 60(c), OF NDPS ACT BY ALLOWING THIS PETITION.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

1. This is the revision petition filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C') read with Section 438 read with 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS, 2023') challenging the order dated 14.08.2025 passed in Crime No.101/2021-22 of Srirangapatna Excise Police, Mandya registered in Spl.C.No.98/2023 on the file of Principal District and Sessions Judge, Mandya (in short 'the Trial Court').
2. Parties would be referred with their ranks, as they were before the Trial Court for sake of convenience and clarity.
3. revision petitioners are accused Nos.2 and 3 before the Trial Court. They have filed application under Section 227

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of Cr.P.C for discharge on the ground that they did not have any knowledge about accused No.1 possessing ganja or using the property for unlawful activities. They have leased the property to accused No.1 only to run Dhaba and not for illegal activities. Hence, prays for discharge from the offences punishable under Sections 20(b), 25, 60, 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act').

4. After hearing both sides, the Trial Court dismissed the application on the ground that the material collected by the Investigating Officer shows that accused Nos.2 and 3, the owners of the property, wherein, the ganja was seized from accused No.1; hence, without expressing anything on the merits of the case, dismissed the application for discharge.
5. Being aggrieved by the same, accused Nos. 2 and 3 are before this Court.
6. Learned counsel for the revision petitioners, Sri Raju.C.N would submit that accused Nos.2 and 3 are in no way connected to this case. They are merely the owners of

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the property, which was leased to accused No.1 to run Dhaba and not to run any illegal activities. Presently, accused No.1 is no more. The case is continued only against accused Nos.2 and 3. Without their knowledge, they have been falsely implicated in this case. No statement is given either by accused No.1 or accused Nos.2 and 3 to show that accused Nos.2 and 3 had knowledge of accused No.1 possessing ganja in the property in question.

7. Learned counsel for the revision petitioners would further submit that the alleged ganja was not seized from accused Nos. 2 and 3 or in their presence. Only because they are owners of the property, they have been charge-sheeted. Hence, prays for allowing the revision petition.
8. Learned HCGP Sri Vinay Mahadevaiah, would submit that accused Nos.2 and 3 even after service of notice to give explanation; they remained absent and this absence itself shows that they had knowledge of the activity of accused No.1. As per Section 25 of the NDPS Act, when accused Nos.2 and 3, the owners allowed accused No.1, to

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possess and sell ganja, they are definitely liable and *prima facie* they have committed actions punishable under Sections 20(b), 25, 60, 8(c) of NDPS Act. Hence, prays for dismissal of the revision petition.

9. Heard the arguments of both sides, perused records, charge-sheet and its annexures.
10. Section 20(b) of the NDPS Act describes punishment for contravention in relation to cannabis plant and cannabis (ganja). According to this provision, where the contravention involves quantity lesser than commercial quantity but greater than small quantity, then the accused shall be punished with rigorous imprisonment for a term which may extend to ten (10) years and with fine which may extend to Rs.1,00,000/-.
11. Section 8(c) of the NDPS Act prohibits certain operations i.e., no person shall produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter-State, export inter-State, import into India, export from India or tranship any narcotic drug or psychotropic substance except for medical or scientific purpose.



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12. The averments in the charge-sheet are that on 03.06.2022 at 02.25 p.m., the Investigating Officer, along with his staff on credible information has raided on the Nesara Family Dhaba situated at K.Shettahalli Village, Srirangapattana Taluk, Mandya District, and found 2.130 Kg ganja in the corner of the kitchen in the Dhaba and then he seized the same as per procedure and conducted investigation. At that time, he came to know that, accused Nos.2 and 3 are the owners of the property in which Dhaba was being run. RTCs are also produced in that regard. After coming to know about these facts, the Investigating Officer has issued notice dated 22.11.2022 to accused Nos.2 and 3 to give explanation for possession of ganja by accused No.1 in the property bearing Sy.No.14/3 measuring 15 guntas and 98/2 measuring 13 guntas standing in the names of accused Nos.2 and 3 and even after service of said notice, accused Nos. 2 and 3 have not appeared and not given any explanation. This notice was received by accused No. 2- wife of accused No.3. Thus, both of them were having knowledge about

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issuance of notice. But even then, they have not given any reply to the notice.

13. Section 35 of the NDPS Act presumes culpable mental state i.e., in any prosecution for an offence under this Act which requires a culpable mental state of the accused, the Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.
14. While considering the discharge application under Section 227 of Cr.P.C., the fundamental duty of the Court is to look into the averments made in the charge-sheet and if those averments constitute any offence, then the Trial Court shall frame charge and proceed with the case; in case the averments made in the charge-sheet do not disclose any offence, then he shall be discharged for such an offence.
15. Thus, *prima facie* materials available in the charge-sheet and its annexures are to be looked into to decide whether

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there is any allegation against accused Nos. 2 and 3 in the charge sheet.

16. In the instant case, in the contents of charge-sheet, the Investigating Officer has stated that accused Nos. 2 and 3 directly and indirectly co-operated with accused No.1 and thus, committed the offence punishable under Sections 20(b), 25, 60, 8(c) of the NDPS Act.

"ನಂತರ ತನಿಖೆಯನ್ನು ಮಂದುವರೆಸಲಾಗಿ ಡಾಬದ ಮಾಲೀಕತ್ವದ ಬಗ್ಗೆ ತಹಶೀಲ್ದಾರ್, ಶ್ರೀರಂಗಪಟ್ಟಣ ಇವರಿಗೆ ಪತ್ರ ಬರೆಯಲಾಗಿ ಸದರಿಯವರು ಆರ್.ಟಿ.ಸಿ ಪ್ರತಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ, ಸದರಿ ಆರ್.ಟಿ.ಸಿ ವರದಿಯಲ್ಲಿ ಶಾಂತ ಕೋಂ ನಾಗರಾಜು ಇವರಿಗೆ ಸೇರಿದ ಕೆ.ಶೆಟ್ಟಹಳ್ಳಿ ಸರ್ವೇ ನಂ:14/03 ರಲ್ಲಿ 0-15 ಗುಂಟೆ ಹಾಗೂ ನಾಗರಾಜು ಬಿನ್ ಚಿಕ್ಕನಿಂಗೇಗೌಡ ಇವರಿಗೆ ಸೇರಿದ ಕೆ.ಶೆಟ್ಟಹಳ್ಳಿ ಸರ್ವೇ ನಂ: 98/2 ರಲ್ಲಿ 0-13 ಗುಂಟೆ ಎಂದು ನಮೂದಿಸಿರುತ್ತದೆ, ನಂತರ ಶಾಂತ ಕೋಂ ನಾಗರಾಜು ಮತ್ತು ನಾಗರಾಜು ಬಿನ್ ಚಿಕ್ಕನಿಂಗೇಗೌಡ ಇವರಿಗೆ ನೋಟೀಸ್ ಜಾರಿ ಮಾಡಲಾಗಿ ಸದರಿಯವರು ಯಾವುದೇ ಸಮಜಾಯಿಷಿ ನೀಡಿರುವುದಿಲ್ಲ ಆದ್ದರಿಂದ ಸದರಿ ಕೃತ್ಯವನ್ನು ಸುನೀಲ್ ಕುಮಾರ್ ಕೆ.ವಿ ಬಿನ್ ಲೇಟ್ ವೆಂಕಟೇಶ, 35 ವರ್ಷ, ಒಕ್ಕಲಿಗ ಜನಾಂಗ, ಕೆ.ಶೆಟ್ಟಹಳ್ಳಿ ಗ್ರಾಮ ಮತ್ತು ಹೋಬಳಿ, ಶ್ರೀರಂಗಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ಮಂಡ್ಯ ಜಿಲ್ಲೆ ಇತನೇ ಮಾಡಿದ್ದು ಇತನಿಗೆ ಪರೋಕ್ಷವಾಗಿ ಹಾಗೂ ಪ್ರತ್ಯಕ್ಷವಾಗಿ ಶಾಂತ ಕೋಂ ನಾಗರಾಜು ಮತ್ತು ನಾಗರಾಜು ಬಿನ್ ಚಿಕ್ಕನಿಂಗೇಗೌಡ, ಕೆ.ಶೆಟ್ಟಹಳ್ಳಿ ಗ್ರಾಮ, ಶ್ರೀರಂಗಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ಮಂಡ್ಯ ಜಿಲ್ಲೆ, ಇವರು ಸಹಕರಿಸಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ."

17. Under Section 25 of the NDPS Act, the land owner if knowingly permits another to do illegal activity in his land

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punishable under the said Act, then, he shall be punishable for those offences committed by another person. It reads as follows:

*" 25. Punishment for allowing premises, etc., to be used for commission of an offence.— Whoever, being the **owner** or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance, **knowingly permits** it to be used for the commission by any other person of an offence punishable under any provision of this Act, shall be punishable with the punishment provided for that offence."*

18. Thus, there is an averment in the charge-sheet that *prima facie* accused Nos.2 and 3 have knowledge and permitted the property to be used for commission of an offence punishable under the provisions of this Act. Hence, the charge-sheet filed against accused Nos. 2 and 3 under Sections 20(b), 25, 60, 8(c) of the NDPS Act. Thus, there is *prima facie* material to frame charge for the aforesaid offences. Considering these aspects, the Trial Court has rejected the application filed for discharge. There is no perversity in the aforesaid order. Hence, it requires no interference. Accordingly, this Court passes the following:

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ORDER

- (i) The Criminal Revision Petition is ***dismissed.***
- (ii) Any observation made in this order may not come in the way of disposal of the main case by the trial Court.
- (iii) In view of the disposal of the main case, pending IAs. if any, do not survive for consideration.

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**(GEETHA K.B.)
JUDGE**

SPV
List No.: 1 Sl No.: 7