

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Crl.MC.No. 517 of 2015 ()

CRIME NO. 2/2015 OF BADIADKA EXCISE RANGE OFFICE , KASARGOD

PETITIONER(S):

- 1. SURESH AGED 45 YEARS
S/O.JAYANTHA RAO, HOUSE NO VII/81, CHAMAKOCHI
ADOOR VILLAGE, KASARAGOD**
- 2. CHANIYAN, AGED 42 YEARS
S/O.DEVAPPA NAIK, CHAMAKOCHI, ADOOR VILLAGE
KASARAGOD**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S):

- 1. THE EXCISE INSPECTOR
BADIADKA EXCISE RANGE, KASARAGOD**
- 2. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**

R BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 517 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1 COPY OF THE SEIZURE MAHAZAR

ANNEXURE II COPY OF THE CRIME AND OCCURRENCE REPORT DATED 4-1-15

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 517 of 2015

Dated this the 5th day of March, 2015.

O R D E R

The petitioners herein are the two accused in Crime No.2 of 2015 of the Badiadka Excise Range, Kasaragod. The allegation against them is that on search on the basis of secret reliable information, the Excise party saw these two petitioners indulging in the process of distillation of arrack. Before the Excise party could arrest them, the two persons took to their heels by abandoning the materials at the spot. The Excise party seized some quantity of arrack and also some quantity of wash, and accordingly registered the crime under Section 55 (g) and 8(2) of the Kerala Abkari Act. The petitioners seek orders quashing the prosecution on the ground that there is absolutely no material to connect them with the alleged crime. Now the learned counsel for the petitioner seeks permission to withdraw the proceeding with liberty to plea for discharge in the trial court, in case final report is submitted after

investigation. This submission is accepted and recorded.

Accordingly, the Crl.M.C is dismissed as withdrawn without prejudice to the right of the petitioners to seek discharge in the trial court.

P.UBAID,
JUDGE

sab