

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1959 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned Government Pleader appearing for the respondents.

2. The prayer sought in the writ petition is as under:

'..to issue a writ order or direction more particularly one in the nature of writ of mandamus directing the Respondent No.4 to file charge sheet in the above cases filed against the petitioners more particularly (i) Crime No.250/2018 and Crime No.92/2018 and further direct the Respondent No.5 to file charge sheet in crime No. 1395/2010, Crime No.433/2016 and Crime No. 296/2016 and pass such other order or orders as this Hon'ble Court deems fit in the interest of justice.'

3. Learned Government Pleader placed on record the written instructions dated 29.01.2020 issued by the Deputy Commissioner of Prohibition and Excise, Ranga Reddy Division.

4. From the perusal of the said written instructions, it is revealed that the petitioners are dealing mainly in jaggery, alum and other commodities, which are cheaply used as raw materials in preparation of illicitly distilled liquor (gudumba). The petitioners supply raw material to the illicit distillers throughout the State of Telangana and attained notoriety as the main raw material suppliers. In spite of registering many cases against them and seizing tons of raw materials and many vehicles and arresting them many times, they are continuing the very same business. They claimed that they purchase and sell the raw material under proper bills, permits of Agricultural Market Committee from reputed companies and sells as per rules. In these circumstances, serious view was taken by the Government against ID liquor (gudumba) especially in view of young wives of its

consumers becoming widows and their kids becoming orphans in many parts of the State. The Prohibition and Excise Department took effective measures against the illicit distillers on the one hand and the raw material suppliers on the other. These measures have controlled the menace of ID liquor to a large extent and many past offenders have been rehabilitated under Gudumba Effected Person Rehabilitation Scheme. However, due to irresponsible and defiant behaviour of some of the raw material suppliers, like the petitioners herein, the ID crime sporadically prevailed in the State and continues to play havoc in the lives of poor consumers. It is also further mentioned in the written instructions that notoriety of these petitioners lie, in view of the fact that they hound the officials of the department by filing number of petitions and contempt cases against them, whose aim is just to intimidate them from taking legal action against their illegal activity of raw material supply to the illicit distillers. There is no truth in the allegations that the Prohibition and Excise authorities are harassing the petitioners. In fact, none of the cases were registered against the petitioners for non-payment of taxes or cess to the agricultural department. The cases registered against the petitioners are for supply of raw material to the illicit distillers, which is an offence as per Section 34(e) of Telangana Excise Act, 1968. It is also further mentioned that the contempt case filed in C.C.No.1168 of 2018 was already disposed of.

5. The allegation of the petitioners that the respondents are not filing the charger sheet in the cases registered against the petitioners is also not correct for the reason that in Cr.No.250 of 2018 charge sheet was filed on 20.08.2019 and it is pending trial *vide* C.C.No.5051 of 2019 dated 29.08.2019, and whereas in Cr.No.92 of 2019, the second petitioner

herein, who is A.4 in the crime, obtained an order in Criminal Petition No.5664 of 2019 not to take coercive steps against him, and A.3, namely, Nenavath Shankar, is still absconding. In fact, efforts are being made to arrest him from his native place, which is in other district (erstwhile Nalgonda), but proved futile. It is also stated in the written instructions that the respondents are not registering any false cases against them. There is a malafide intention on the part of the petitioners in alleging that they are paying taxes, cess, etc. and doing business legally.

6. That apart, the learned Government Pleader appearing for the respondents also brought to the notice of this Court that charge sheets in other crimes registered against the petitioners will be filed within a period of six weeks from the date of receipt of a copy of this order.

7. Taking the said submission into consideration, this Court directs respondents 4 and 5 to file charge sheets, as expeditiously as possible, preferably within a period of six weeks as submitted by the learned Government Pleader appearing for the respondents.

8. With the above said observation, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHA RAO

Date: 04.02.2020

PGS