

HIGH COURT FOR THE STATE OF TELANGANA

**MONDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 3396 OF 2025

Between:

1. Mr.Ghanshyamdas Karwa,, S/o. Late Harikishan Karwa, Aged 59 years, Occ. Business, R/ o. 14-7-392, Begum Bazaar, Hyderabad.
2. Abhishek Karwa,, S/o Ghanshyamdas Karwa, Aged 36 years, Occ. Business, R/o. 14-7-392, Begum Bazaar, Hyderabad.

...PETITIONER/ACCUSED NOs 7 & 8

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad.

...RESPONDENT

2. The Prohibition and Excise Station House Officer,, Kachiguda, Hyderabad

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash C.C.No. 5812 of 2023 on the file of the Court of the IV Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad in the interest of justice.

I.A. NO: 1 OF 2025

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings including personal attendance of the petitioners in C.C.No. 5812 of 2023 on the file of the Court of the IV Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad pending disposal of the present Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Damodar Mundra, Advocate for the Petitioner and Mr. Jithender Veeramalla, Additional Public Prosecutor, High Court for the State of Telangana, Hyderabad on behalf of the State / Respondent No.1.

The Court made the following: ORDER:

HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION NO.3396 of 2025

ORDER:

Heard Mr. Damodar Mundra, learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

2. This criminal petition has been filed seeking quashment of proceedings in C.C.No.5812 of 2023 on the file of IV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad against the petitioners/accused Nos.7 and 8.

3. The accusation against the petitioners is that they are running business of black jaggery powder and alum allied material which are used for manufacturing illicit distilled liquor and supply these materials on orders from the customers.

4. Learned counsel for the petitioners would submit that none of the prosecution proceedings are demonstrating that the petitioners are involved in distilling illicit liquor and the accusation of conducting business in black jaggery powder and sciatic would not call for prosecution. He further submits that this Court vide order dated 06.02.2025 in Criminal Petition No.1664 of 2025 had considered similar aspect and concluded that in absence of any

materials that the petitioners processed intoxicant substance, cannot be held liable for any offence under Excise Act and quashed the proceedings. Thus as the contested aspect in the present criminal petition is squarely covered in the earlier judgments prayed for putting into effect and to quash the proceedings.

5. Learned Additional Public Prosecutor would fairly submit that the aspect has been considered and determined by this Court in the above referred criminal petition and that proposition is squarely applicable to the present case.

6. I have perused the materials on record and carefully considered the submissions of the learned counsel.

7. A Coordinate bench of this Court in the Criminal Petition No.1664 of 2025 supra having considered the Memo issued by the Government of Andhra Pradesh vide No.47802/Ex.III.1/2006-13, dated 20.12.2010 wherein the request to impose ban or restriction on possession or sale of black jaggery or jaggery under Section 2 of the Telangana Excise Act was declined and the purport of Section 2(22A) and Sections 34 & 13 (1) (f) and 42 (c) of the Telangana Excise Act held that engaging in business of

purchase or sale of jaggery would not be committing an offence.

The relevant portion is extracted hereunder:

"Sections 34 and 13(1)(f) of the Telangana Excise Act, lays down penalty for illegal import, export etc., and for manufacture of the prohibited material mentioned therein without any license or permit. Section 34€ penalizes the use, keeping in possession any material, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing any intoxicant other than toddy. The presumption given under Section 42(c) of th Excise Act is that any materials which have undergone any process towards the manufacture of any intoxicant or from which an intoxicant has been manufactured; for the possession of which he is unable to account satisfactorily. There is no material to show that the petitioners have processed the said black jaggery for the purpose of manufacturing any intoxicant substance. As earlier discussed, jaggery does not fall within the term 'material', as enumerated under Section 2 (22A) of the Telangana Excise Act. Thus, it is clears that the petitioners, who are engaged in the business of purchase and sale of jaggery, have not committed the offences alleged against them.

In view of the above, this Court is of the considered view that the continuation of the proceedings against the petitioners-accused Nos.2 and 5 amounts to abuse of process of law."

8. In view of the above concluded proposition and as the accusations against the petitioners herein are that they are

conducting business in black jaggery powder, it shall be held that continuance of proceedings against the petitioners would be abuse of process of law. For that reason, the proceedings against the petitioners/accused Nos.7 and 8 in C.C.No.5812 of 2023 on the file of IV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad are liable to be quashed. Ordered accordingly.

9. In the result, this criminal petition is allowed.

As a sequel, pending miscellaneous petitions if any, stands closed.

//TRUE COPY//

SD/- T.TIRUMALA DEVI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The IV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Kachiguda Police Station, Hyderabad.
3. One CC to Sri. Damodar Mundra, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies.

PA

PSK /gh

HIGH COURT

DATED:10/03/2025

ORDER

CRLP.No.3396 of 2025



ALLOWED THE CRIMINAL PETITION

⑦ PA
21/5/25