IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF OCTOBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 1842 OF 2024
C/W
CRIMINAL PETITION NO. 1109 OF 2024
CRIMINAL PETITION NO. 1418 OF 2024
CRIMINAL PETITION NO. 1453 OF 2024
CRIMINAL PETITION NO. 1454 OF 2024
CRIMINAL PETITION NO. 1912 OF 2024
CRIMINAL PETITION NO. 1959 OF 2024
CRIMINAL PETITION NO. 2262 OF 2024
CRIMINAL PETITION NO. 2532 OF 2024

IN CRL.P No. 1842/2024

BETWEEN:

SRI MOURYA S GOWDA
S/O SRI SRIDHARA H.B.,
AGED ABOUT 23 YEARS,
R/OF HARIHARAPURA VILLAGE
KASABA HOBLI,
K.R PETE TALUK
MANDYA DISTRICT-571 605

...PETITIONER

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

(BY SRI. ARUNASHYAM, SERNIOR COUNSEL FOR
SRI. K ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO OF
NAGAMANGALA RURAL POLICE STATION,
MANDYA DISRICT-571432
REPRESENTED BY THE
LEARNED STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS
BENGALURU-560 001

2. SRI SATHEESHA

POLICE SUB-INSPECTOR
NAGAMANGALA RURAL POLICE STATION
MANDYA DISTRICT-571 432

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1 AND R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN SPL.C.NO.159/2023 U/S 3, 5 OF EXPLOSIVE SUBSTANCES OF ACT, 19008 AND SEC. 286 OF IPC, ON THE FILE OF THE PRL. DISTRICT AND SESSIONS JUDGE, MANDYA DISTRICT, MANDAYA, AS PER CHARGE SHEET ANNEXURE-C, ARISING OUT OF CR.NO.248/2021 OF THE 1ST RESPONDENT NAGAMANGALA RURAL POLICE STATION AS PER ANNEXURE-B.

IN CRL.P NO. 1109/2024

BETWEEN:

1. SRI. MOURYA S. GOWDA
S/O. SRI. SRIDHARA. H. B.,
AGED ABOUT 23 YEARS,

2. SRI. SRIDHARA. H. B.
S/O. BOREGOWDA,
AGED ABOUT 55 YEARS,

PETITIONERS 1 & 2 ARE
RESIDENTS OF HARIHARAPURA VILLAGE,
KASABA HOBLI, K.R. PETE TALUK,
MANDYA DISTRICT-571 605.

...PETITIONERS

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. K ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO OF
PANDAVAPURA POLICE STATION,

MANDYA DISTRICT-571 434,

REPRESENTED BY THE
LEARNED STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560 001.

2. SRI. PRABHAKAR. K
POLICE INSPECTOR,
PANDAVAPURA POLICE STATION,
MANDYA DISTRICT.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1 & R2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.978/2021 UNDER SEC.3,5,9(b) OF EXPLOSIVE SUBSTANCES ACT, 1908, SEC.286,511 OF IPC AND SEC.4(1),4(1-A),21,22 OF MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT ON THE FILE OF THE CIVIL JUDGE AND J.M.F.C PANDAVAPURA MANDYA DISTRICT AS PER ANNEXURE-C ARISING OUT OF CR.NO.219/2020 OF THE 1ST RESPONDENT POLICE STATION AS PER ANNEXURE B AND B1 IN SO FAR AS THEY ARE CONCERNED AS ACCUSED 4 AND 5.

IN CRL.P NO. 1418/2024

BETWEEN:

1. SRI MOURYA S GOWDA
S/O SRI SRIDHARA H B
AGED ABOUT 23 YEARS

2. SRI SRIDHARA H B
S/O BOREGOWDA
AGED ABOUT 55 YEARS

PETITIONERS 1 & 2 ARE
RESIDENTS OF
HARIHARAPURA VILLAGE
KASABA HOBLI

K.R PETE TALUK
MANDYA DISTRICT - 571 605

...PETITIONERS

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. K ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO OF
PANDAVAPURA POLICE STATION
MANDYA DISTRICT - 571434

REPRESENTED BY THE
LEARNED STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001

2. SRI PRABHAKAR K
POLICE STATION
PANDAVAPURA POLICE STATION
MANDYA DISTRICT - 571 434

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1 & R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.981/2021 OF THE COURT OF THE LEARNED CIVIL JUDGE AND J.M.F.C PANDAVAPURA MANDYA DISTRICT UNDER SEC.3,5 OF EXPLOSIVE SUBSTANCES ACT 1908, SEC.286,427 OF IPC AND SEC.4(1),4(1-A) 21 AND 22 OF MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT AS PER CHARGE SHEET ANNEXURE-C ARISING OUT OF CR.NO.220/2020 OF THE 1ST RESPONDENT - PANDAVAPURA POLICE STATION AS PER ANNEXURE-B IN SO FAR AS THEY ARE CONCERNED AS ACCUSED 2 AND 3.

IN CRL.P NO. 1453/2024

BETWEEN:

1. SRI MOURYA S GOWDA
   S/O SRI SRIDHARA H.B
   AGED ABOUT 23 YEARS

2. SRI SIRDHARA H.B
   S/O BOREGOWDA
   AGED ABOUT 55 YEARS

   PETITIONERS 1 & 2 ARE
   RESIDENTS OF HARIHARAPURA VILLAGE
   KASABA HOBLI, K.R PETE TALUK
   MANDYA DISTRICT-571 605

...PETITIONERS

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. K. ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY SHO OF
   PANDAVAPURA POLICE STATION
   MANDYA DISTRICT-571434
   REPRESENTED BY THE
   LEARNED STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   BENGALURU-560 001

2. SRI PRABHAKAR R
   POLICE INSPECTOR
   PANDAVAPURA POLICE STATION
   MANDYA DISTRICT-571 434

...RESPONDENTS

(BY SRI. MAHESHA, HCGP FOR R1 & R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.979/2021 OF THE COURT OF THE LEARNED CIVIL JUDGE AND JMFC

PANDAVAPURA, MANDYA DISTRICT U/S.3,5 OF EXPLOSIVES SUBSTANCE ACT 1908 SEC.286,511 OF IPC AND SEC.4(1),4(1-A),21,22 OF MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT 1957 AS PER CHARGE SHEET ANNEXURE C ARISING OUT OF CR.NO.355/2020 OF THE Ist RESPONDENT PANDAVAPURA POLICE STATION REGISTERED ON 12.12.2020 AS PER ANNEXURE B IN SO FAR AS THEY ARE CONCERNED AS ACCUSED NO.3,4.

IN CRL.P NO. 1454/2024

BETWEEN:

1. SRI MOURYA GOWDA
   S/O SRI SRIDHARA
   AGED ABOUT 23 YEARS

2. SRI SRIDHARA H.B
   S/O BOREGOWDA
   AGED ABOUT 55 YEARS

   PETITIONERS 1 & 2 ARE
   RESIDENTS OF HARIHARAPURA VILLAGE
   KASABA HOBLI, K.R PETE TALUK
   MANDYA DISTRICT-571 605

...PETITIONERS

(BY SRI. ARUNASHYAM, SENIOR COUNSEL FOR
SRI. K ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRSENTED BY SHO OF
   PANDAVAPURA POLICE STATION
   MANDYA DISTRICT-571434
   REPRSENTED BY THE LEARNED
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   BENGALURU-560 001

2. SRI PRABHAKAR K
POLICE INSEPCTOR
PANDAVAPURA POLICE STATION
MANDYA DISTRICT-571 434

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN C.C.NO.982/2021 OF THE COURT OF THE LEARNED CIVIL JUDGE AND JMFC, PANDAVAPURA, MANDYA DISTRICT, U/S 3, 5, 9B OF EXPLOSIVE SUBSTANCES ACT, 1908, SEC. 286, 511 OF IPC AND SEC. 4(1), 4(1-A), 21 AND 22 OF MINES AND MINERALS (REGULATION AND DEVELOPEMTN) ACT, 1957, AS PER ANNEXURE-C ARISING OUT OF CR.NO.306/2020 OF THE 1ST RESPONDENT PANDAVAPURA POLICE STATION AS PR ANNEXURE-B, IN SO FAR AS THEY ARE CONCERNED AS ACCUSED 4 AND 5.

IN CRL.P NO. 1912/2024

BETWEEN:

SRI GANGOJI RAO D J @ GANGOJI
S/O LATE SRI. JAIMUNIRAO,
AGED ABOUT 45 YEARS,
R/AT
PERMANENT ADDRESS
DYAVASANDRA VILLAGE,
TARIDAL POST, TONDEBAVI HOBLI,
GOURIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT - 561208

PRESENT ADDRESS
SAI LAYOUT, 1ST STAGE,
SINGANAYAKANAHALLI,
YELAHANKA, BENGALURU - 560 064.

...PETITIONER

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. K. ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY SHO OF
   BAGEPALLI POLICE STATION,
   CHIKKABALLAPURA DISTRICT - 561207

   REPRESENTED BY THE
   LEARNED STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS,
   BENGALURU - 560 001.

2. CIRCLE INSPECTOR OF POLICE
   BAGEPALLI CIRCLE, BAGEPALLI,
   CHIKKABALLAPURA DISTRICT - 561 207

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP)

THIS CRL.P FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.765/2023 OF THE COURT OF THE LEARNED CIVIL JUDGE AND JMFC, BAGEPALLI, CHIKKABALLAPURA DISTRICT, U/S 3, 4 AND 5 OF THE EXPLOSIVE SUBSTANCE ACT, 1908 AND SEC. 286 AND 336 OF IPC AS PER CHARGE SHEET ANNEXURE-C, ARISING OUT OF CR.NO.31/2021 OF THE 1ST RESPONDENT - BAGEPALLI POLICE STATION, IN SO FAR AS HE IS CONCERNED AS ACCUSED NO.3.

IN CRL.P NO. 1959/2024

BETWEEN:

1. SRI MOURYA S GOWDA
   S/O SRI SRIDHARA H.B
   AGED ABOUT 23 YEARS

2. SRIDHARA H.B
   S/O BOREGOWDA
   AGED ABOUT 55 YEARS

   PETITIONERS 1 & 2 ARE

RESIDENTS OF HARIHARAPURA VILLAGE
KASABA HOBLI, K.R PETE TALUK
MANDYA DISTRICT -571 605

...PETITIONERS

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. K. ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO OF
PANAVAPURA POLICE STATION
MANDYA DISTRICT 574134

REPRESENTED BY THE
LEANRED STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU-560 001

2. SRI NAGARAJU B
S/O BARADIKOTEPPA
AGED ABOUT 22 YEARS
VILLAGE ACCOUNTANT
BANNAGADI CIRCLE
CHINNAKURULI HOBLI
PANDAVAPURA TALUK
NATIVE-HYRADA VILLAGE
HOOVINAHADAGALI TQ
BELLARI, KARNATAKA

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.5078/2022 U/S.3,5 OF EXPLOSIVE SUBSTANCE ACT 1908 AND SEC.336,286 OF IPC ON THE FILE OF THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA DISTRICT SITTING AT SRIRANGAPATNA, ARISING OUT OF CR.NO.142/2020 OF THE Ist RESPONDENT PANDAVAPURA POLICE STATION.

IN CRL.P NO. 2262/2024

BETWEEN:

SRI GANGOJI RAO D.J @ GANGOJI
S/O LATE SRI J.MUNIRAO @ JAYAMANI
AGED ABOUT 45 YEARS,
R/AT
PERMANENT ADDRESS
DYAVASANDRA VILLAGE,
TRIDAL POST, TONDEBAVI HOBLI,
GOURIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT-561 208

PRESENT ADDRESS
SAI LAYOUT, 1ST STAGE
SINGANAYAKANAHALLI,
YELAHANKA, BENGALURU-560 064

...PETITIONER

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. K. ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO OF
GUDIBANDE POLICE STATION,
CHIKKABALLAPURA DISTRICT-561207

REPRESENTED BY THE
LEARNED STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560 001

2. SRI MANJUNATH M.N
POLICE INSPECTOR,
GUDIBANDE POLICE STATION,
CHIKKABALLAPURA DISTRICT-561209

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1 & R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.491/2021 OF THE COURT OF THE LEARNED PRL. CIVIL JUDGE AND JMFC, GUDIBANDE, CHIKKABALLAPURA DISTRICT, U/S 4 AND 6 OF THE EXPLOSIVE SUBSTANCES ACT, 1908 AS PER CHARGE SHEET ANNEXURE-C, ARISING OUT OF CR.NO.21/2021 OF THE 1ST RESPONDENT - GUDIBANDE POLICE STATION, IN SO FAR AS HE IS CONCERNED AS ACCUSED NO.2.

IN CRL.P NO. 2532/2024

BETWEEN:

SRI NAGENDRA B.R
S/O SRI. RAGHUNATH,
AGED ABOUT 39 YEARS,
R/AT NO.223, 'TIRUMALA NILAYA',
WARD NO.8, NEW EXTENSION,
KYATHAGANAHALLI ROAD, BIDADI,
RAMANAGARA TALUK,
RAMANAGARA DISTRICT-562 109

...PETITIONER

(BY SRI. ARUNA SHYAM, SENOR COUNSEL FOR
SRI. K. ABHINAV ANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SHO OF JIGANI POLICE-STATION,
ANEKAL TALUK,
BENGALURU DISTRICT-560 105

REPRESENTED BY
THE LEARNED STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560 001

2. SRI. SHEKAR B.K
POLICE INSPECTOR OF
JIGANI POLICE STATION,

ANEKAL TALUK,
BENGALURU DISTRICT-560 105

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1 & R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN C.C.NO.20600/2021 U/S 4, 5 AND 6 OF THE EXPLOSIVE SUBSTANCES ACT, 1908, ON THE FILE OF THE LEARNED 1ST ADDL. CIVIL JUDGE AND JMFC, ANEKAL AS PER CHARGE SHEET ANNEXURE-C, ARISING OUT OF CR.NO.45/2021 OF THE 1ST RESPONDENT - JIGANI POLICE STATION AS PER ANNEXURE-B, IN SO FAR AS HE IS CONCERNED AS ACCUSED NO.3.

THESE PETITIONS HAVING BEEN RESERVED FOR ORDERS ON 14.10.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

1. These batch of petitions arise out of different crime numbers registered by various police stations against the accused persons for the offences punishable under the Explosives Act, 1884, the Explosive Substances Act, 1908, and the Mines and Minerals (Development and Regulation) Act, 1957, alleging that they supplied explosives to unauthorised contractors for use in illegal quarrying activities.

2. For the sake of convenience, the details of the nine cases are set out in the tabular column below:

Crl.P. No.	Crime No. & Police Station	Offences Alleged	Rank of parties in the charge sheet
1842/2024	Cr.No.248/2021 by Nagamangala PS	Sections 3 & 5 of Explosives Act	Accused No.3
1109/2024	Cr.No.142/2020 by Pandavapura PS	Sections 336, 286 of IPC and Sections 3, 5, 9(b) of ES Act	Accused Nos.2 and 3
1418/2024	Cr.No.220/2020 by Pandavapura PS	Sections 3, 5 & 9B of Explosives Act, Sections 286, 511 of IPC read with Sections 22, 21, 4(1A), 4(1) of MMDR	Accused Nos.2 and 3
1453/2024	Cr.No.355/2020 by Pandavapura PS	Sections 3, 5 & 9B of Explosives Act, Sections 286, 511 of IPC read with Sections 22, 21, 4(1A), 4(1) of MMDR	Accused Nos.3 and 4

1454/2024	Cr.No.306/2020 by Pandavapura PS	Sections 3, 5 & 9B of Explosives Act, Sections 286, 511 of IPC read with Sections 22, 21, 4(1A), 4(1) of MMDR	Accused Nos.4 and 5
1912/2024	Cr.No.31/2021 by Bagepalli PS	Sections 5, 3, 4 of Explosive Substances Act read with Section 336, 286 of IPC	Accused No.3
1959/2024	Cr.No.142/2020 by Pandavapura PS	Sections 336, 286 of IPC and 3,5,9(b) of ES Act	Accused No.2 and Accused No.3
2262/2024	Cr.No.21/2021 by Gudibande PS, Chikkaballapur	Sections 4 & 6 of Explosive Substances Act	Accused No.2
2532/2024	Cr.No.45/2021 by Jigani PS	Sections 4, 5 & 6 of Explosive Substances Act	Accused No.3

3. In all these cases, suo motu complaints have been filed by the police alleging that accused persons were found to have supplied explosive substances to the unauthorised contractors who in turn used the same for illegal quarrying. After investigation, police laid charge sheet against the accused/petitioners.

4. Except in Crl.P.Nos.2262/2024, in all other aforesaid petitions mentioned in the tabular column, the names of the accused/petitioners were not mentioned in the FIR as accused, however, they were implicated as accused persons while filing the charge sheet based on the investigation materials as well as the confession statement of the co-accused and the statement of charge sheet witnesses.

5. Heard the learned counsel for the petitioners and the learned HCGP.

6. Learned counsel for the petitioners would contend that since there were no materials to connect the accused with the seized explosives at the hands of accused No.1, the petitioners cannot be subjected to rigmarole of criminal trial. In the complaint, it is stated that the explosives alleged to have been

found in the spot and when police tried to apprehend, some persons ran away from the spot. However, during investigation, it is alleged that the persons who ran away from the spot have been identified as accused/petitioners by some of the charge sheet witnesses and based on the confession statement of the co-accused, the petitioners have been implicated and charge sheet has been laid against them for having supplied the explosives. According to him, Rule 15 of the Explosive Rules, 2008 clearly propounds that the outer package should be marked with the name of manufacturer, identification number of package, the net weight of explosives, gross weight of the package, date of manufacture and batch number. Further, Rule 24 also states that every licensee for manufacture, possession, sale use or transport of explosives shall maintain records with a stock book duly page numbered and certified by any officer authorised under the rules. Rule 47 clearly states that the official transport pass is to be issued by the consignor after verifying an online indent submitted by the consignee every licensed consignment of explosives during transit must be accompanied by shipping invoice, way bill or dispatch note. Thus, in order to create nexus between the explosives alleged

to have been found in the spot and the petitioners, the respondents ought to found the name of the manufacturer and identification number of the package and ought to have checked the records of the petitioners i.e., the stock book and any way bill issued in respect of the alleged unauthorised contractor.

7. Learned counsel for the petitioners further contended that the in the complaint/FIR, there was no allegation against the petitioners, except in Crl.P.Nos.2262/2024, however, they have been implicated only based on the confession statement of co-accused and thus, without any corroborative material. As such, continuation of proceedings against the petitioners would be abuse of process of Court.

8. Learned counsel also contended that in order to infer conspiracy, there should be direct evidence available and only based on the confession statement of co-accused, it cannot be said that the petitioners conspired with other accused in illegal quarrying. Accordingly, he prays for allowing of the petitions.

9. In support of his contention, learned counsel for the petitioners has placed reliance on the following judgments:

i) P.Krishna Mohan Reddy Vs. State of AP - 2025 SCC Online SC 1157.

ii) Karan Talvar Vs. State of Tamil Nadu - 2024 SCC Online SC 3803.

iii) Prem Prakash Vs. Union of India - (2024) 9 SCC 787.

iv) Vinodkumar Bhawarlal Jat Vs. State of Maharashtra - 2026 SCC Online Bom 8983.

v) Abdullakoya Thangal Vs. State of Kerala - 2010 SCC Online Ker 576.

vi) Madhushree Datta Vs. State of Karnataka & Another - Crl.A.4884/2024.

vii) Nagaraja Vs. State of Karnataka - WP.No.15535/2022 disposed of on 24.09.2026.

10. On the other hand, learned High Court Government Pleader would contend that though in the complaint/FIR the name of the petitioners were not mentioned, it was stated in the complaint very clearly that when the police were trying to apprehend, the petitioners/accused persons except in Crl.P.No.2262/2024 ran away from the spot. Further, he would

contend that the petitioners/accused have been identified by some of the charge sheet witnesses in Crl.P.No.1842/2024, who are police officials, who participated in the raid and who tried to apprehend the petitioners. Further, in all other petitions, the co-accused have also given their confession statement stating the involvement of petitioners/accused in the crime by supplying the explosives for quarrying. In support of his contention, he has relied on the judgment of the Hon'ble Apex Court in the case of ***STATE OF KARNATAKA & ANOTHER Vs. SADIQ PASHA - 2026 SCC Online SC 2059***. Further, the agreement entered by the petitioner-Sridhar in Crl.P.No.1842/2024 for supply of explosives for quarrying had been expired and was not renewed. In all other petitions, the petitioners supplied the explosives for illegal quarrying. Hence, he would contend that whether the petitioners have supplied the explosives or not for illegal quarrying is a matter of trial. As such, the proceedings at this stage against them cannot be quashed. Accordingly, he prays for dismissal of the petitions.

11. I have given my anxious consideration to the contentions of the learned counsel for the petitioners and the learned High Court Government Pleader and perused the material on record.

12. As could be gathered from records, in Crl.P.No.1842/2024, the petitioner - accused No.3 has been identified by CWs.1 to 4 and have stated that he fled from the spot when they conducted the raid. However, in all other petitions, it was stated by the co-accused that accused - petitioners have supplied the explosives for illegal quarrying. As regards the contention of the learned counsel for the petitioners that since the explosives do not contain any specific numbers as per aforesaid Rules to connect the same to the petitioners is concerned, admittedly the explosives were seized from the spot at the instance of the co-accused, who confessed that the same supplied by the petitioners for illegal quarrying. As such, the said aspect of the matter has to be tested in a full fledged trial. The contention of the petitioners that the confession statement of a co-accused cannot be the sole material to have nexus between the illegal supply of explosives by the petitioners for illegal quarrying, cannot be accepted in view of the judgment in the case of ***SADIQ PASHA*** cited supra, wherein it is held that quashing of charges merely on the ground that a confessional statement cannot be relied on in the trial, would not be proper exercise of the inherent powers conferred on the High Court.

Further, the disclosure made by the co-accused who were apprehended at the spot, about the identity and the name of one who fled, is only a material which the Investigating Officer could use to gather further evidence, which alone could be the basis of a charge sheet or a conviction, in a properly instituted trial. Further, in Crl.P.Nos.1842, 1109, 1418, 1453, 1454, 1959 of 2024, it is the petitioner - accused by name Mourya, who was named by the co-accused and who was identified by the police that he fled away from the spot when they conducted the raid in Crl.P.No.1842/2024 and that his father - Sridhar - petitioner - accused in Crl.P.Nos.1109, 1418, 1453, 1454, 1959/2024 was the license holder. It is also clear from the statement of charge sheet witnesses that the accused namely Mourya and Sridhar were absconding and were not able to trace. In Crl.P.Nos.1912/2024, the petitioner - accused Gangoji was named by the co-accused as the supplier of explosives for illegal quarrying and in Crl.P.No.2532/2024, the petitioner - accused - Nagendra B.R. was named by the co-accused as the supplier of explosives for illegal quarrying. In such circumstances, I am of the considered view that since the petitioners - accused were named by the co-accused as the

supplier of explosives for illegal quarrying and further the explosives were found at the spot of illegal quarrying and specially the petitioner in Crl.P.No.1842/2024 namely Mourya had been identified to have fled away from the spot, whether the petitioners - accused supplied said explosives and whether said explosives have nexus to them are all matter of trial. As such, it would be improper to quash the proceedings against the petitioners-accused. Hence, the petitions are ***dismissed***. However, it is made clear that no observation on the merits of the matter is expressed. All contentions are left open.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K