

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

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**Criminal Petition No.5047 OF 2021**

Between:

Syed Ahmed

... Petitioner

And

The State of Telangana  
Rep. by Sub Inspector of Police,  
Kothur Police Station,  
through Public Prosecutor.

..Respondent/Complainant

DATE OF JUDGMENT PRONOUNCED :09.01.2024

Submitted for approval.

**THE HON'BLE SRI JUSTICE K.SURENDER**

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|--|--------|
| 1 Whether Reporters of Local newspapers may be allowed to see the Judgments?   | Yes/No |
| 2 Whether the copies of judgment may be marked to Law Reporters/Journals       | Yes/No |
| 3 Whether Their Ladyship/Lordship Wish to see their fair copy of the Judgment? | Yes/No |

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*K.SURENDER, J*

**\* THE HON'BLE SRI JUSTICE K. SURENDER**

**+ CRL.P. No.5047 of 2021**

% Dated 09.01.2024

# Syed Ahmed

... Petitioner

And

\$ The State of Telangana  
Rep. by Sub Inspector of Police,  
Kothur Police Station,  
through Public Prosecutor.

Respondents/Complainants

**! Counsel for the Petitioners:** Sri D.B.Chaitanya

**^ Counsel for the Respondents:** Addl. Public Prosecutor

**>HEAD NOTE:**

? Cases referred

(2019)16 SCC 547

**THE HON'BLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.5047 of 2021****ORDER:**

1. This Criminal Petition is filed to quash the proceedings against the petitioner/A1 in C.C.No.147 of 2018 on the file of Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Shadnagar for the offences under Sections 272, 278 and 420 of IPC.

2. The case of the prosecution is that on 19.12.2015, the Sub-Inspector of Police, Kothur, visited Saleem Garden in the limits of Siddapur village where, according to information, artificial edible oil with cow and oxen fats were illegally manufactured. With the assistance of two mediators, he went to the place and seized 42 oil drums containing 200 liters each and 5 empty barrels. All the material was seized under the cover of panchanama. The seizures were sent for medical analysis. One Krishnaiah, who is arrayed as witness was found in the premises and he stated that he was working in the said premises since ten years. One Mohd. Ahmed(A2), resident of Hyderabad, who was relative of the owner of

Saleem Garden was indulging illegally in the business of manufacturing oil.

3. According to the investigation, this petitioner was apprehended by the Inspector of Police on 17.03.2018. He confessed that he was into manufacturing of artificial edible oil along with A2 namely, Mohd. Ahmed Qureshi. A2 was identified as the person manufacturing edible oil on the date of search and seizure. On 23.05.2018, A2 was also arrested. It was found during investigation that this petitioner and A2 were friends and started manufacturing artificial oil by hiring daily wage labourers.

4. Learned counsel appearing for the petitioner would submit that there are no reasons as to why the petitioner was shown as accused nearly 2 ½ years of the alleged search and seizure. Except the confession of the petitioner, nothing was seized or collected during the course of investigation to infer that the petitioner was involved with the alleged manufacturing of edible oil.

5. On the other hand, it was argued on behalf of the respondents that the said oil is harmful to human consumption. The samples that were sent for examination and report was received that it is harmful for human consumption.

6. As seen from the record, the only witness, who was found at the time of searching the premises was the tractor driver working in the said Garden namely Krishnaiah. The other witnesses are the police personnel, who were present during search and seizure of the premises and also confession of the petitioner and another accused.

7. It is not the case that this petitioner is the owner of the said premises. The owner of the premises is also not examined. In the absence of the police connecting the petitioner with the premises in any manner whatsoever, the criminal prosecution cannot be continued. It is for the police during the course of investigation to establish that the petitioner had taken the premises on rent from the owner and was running the illegal manufacturing business. Unless exclusive and conscious possession of the premises is shown,

only on the basis of confession of the accused, which was taken nearly 2 ½ years after the alleged incident, cannot be made basis to allege that the petitioner was involved in the manufacturing of the said oil which was found at the premises.

8. On the date of search and seizure also, the solitary witness had not named this petitioner as the person who had either rented the premises. It is not the case of the prosecution that the petitioner owned the premises.

9. In the judgment reported in the case of **Dipakbhai Jagdishchandra Patel v. State of Gujarat**[(2019)16 SCC 547] the Hon'ble supreme Court held that the basis for framing charge in a criminal trial cannot be on confession of an accused.

10. There is nothing in the evidence collected during the course of investigation apart from the alleged confession to connect the petitioner with the alleged manufacture of harmful edible oil.

11. In the result, the proceedings against the petitioner/A1, C.C.No.147 of 2018 on the file of Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Shadnagar, are hereby quashed.

12. Criminal Petition is allowed.

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**K.SURENDER, J**

Date : 09.01.2024

Note: L.R.copy to be marked.

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**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.5047 of 2021**  
**Dt.09.01.2024**

kvs