



**In the Court of
Judicial Magistrate
Judicial Magistrate Court, Eraniel
Kanniyakumari**

Proceeded by: Thiru. A.S. AMEERDHEEN B.A.B.L.L.L.M.D.JJJ.Psy.PGDFF.

CNR No: TNKK180005872026

Case No: CRLMP/233/2026

Date Of Decision: 27-03-2026

State Of Tamilnadu Rep By Inspector of Police ERAINEL P.S

...Petitioner

Petitioner Advocate:

Versus

THANGA PAZHAM

...Respondent

Respondent Advocate:

ORDER

Disposal Type: Rejected

Records perused. On perusal it is found the concerned Police authorities filed the FIR U.s. 24(1) of The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003. Further, the concerned Police authorities arrested the accused and released the accused on station bail. Further, the concerned Police authorities filed the final report on the same. Further, the Act which was submitted by the concerned Police authorities comes under the purview of Part-II of first schedule of code of Criminal Procedure 1973. Further, the alleged offence Section 24. Punishment for sale of cigarettes or any other tobacco products in certain places or to persons below the age of eighteen years. (1) Any person who contravenes the provisions of section 6 shall be guilty of an offence under this Act and shall be punishable with fine which may extend to two hundred rupees. speaks that the maximum punishment to be only fine up to two hundred rupees alone which is non-cognizable in nature. Further section 2(l) of the code of Criminal Procedure 1973 defines that Section 2(l) non-cognizable offence means an offence for which and non-cognizable case means a case in which, a police officer, has no authority to arrest without warrant. Further, Section 155(2) of the code speaks that no police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial. Further, without proper enforcement of law and following the procedure established by law the concerned Police authorities filed the FIR, and filed the final report is nothing but a classic example of abuse of process of law. This Court

express its anguish how the concerned Police authorities without having proper knowledge crushing the innocent with the aid of uniform. Further, this Court to avoid miscarriage of justice and to avoid causing prejudice to the accused and to do complete justice this Court rejecting the final report. Further, the accused is discharged from the offence alleged. Further, connected miscellaneous petition if any remains stands closed. Connected property if any retained by the Court / Police authorities shall be disposed after appeal time lapse.

Dated: 27-03-2026

**Thiru. A.S. AMEERDHEEN
B.A.B.L.L.L.M.D.JJJ.Psy.PGDFF.
Judicial Magistrate
Judicial Magistrate Court, Eraniel
Kanniyakumari**