

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.VI, SALEM,

Present: Tr. R. Abdul Salam, B.A., B.L.,
(JoCode.TN02029),
Judicial Magistrate No.6, Salem.

Dated: Wednesday 29th day of July - 2026
Thiruvalluvarandu Parabava Varudam Aadi 13th day

Calender Case No. 153/2026
CNR.No.TNSA040002312026

<i>Sl.NO</i>	<i>DESCRIPTION</i>	<i>DETAILS</i>
1.	The Serial Number of the Case	C.C.153/2026
2.	The Date of the Complaint	23.08.2025
3.	Details of the Complainant	The State rep. by The Special Sub-Inspector of Police, PEW Salem City Police Station, Salem. Cr. No.282/2025.
4.	Details of the Accused	Vanitha, (Aged – 43 (1982), W/o. Madhesh, D.No.214A, Modern Builders, B Colony Backside, Thanneerthotti, Alagapuram, Salem.
5.	Charge Framing of the Accused	U/s. 4 (1)(C) TNP Amendment Act 2024.
6.	The Plea of the Accused	Pleaded not guilty
7.	The Sentence	In the result , the accused found not guilty and acquitted from offence U/s. 4 (1)(C) TNP Amendment Act 2024, as per section 271(1) of BNSS.
8.	The Date on which the Proceedings Terminated	20.07.2026
9.	The Period of Remand of the Accused	-Nil-

10.	The date of filing of the Final Report	06.01.2026	
11.	The date of Committal of the case to the Court of Session.	--	
12.	The date of questioning of the accused U/s.240 of the Cr.Pc, 1973	18.05.2026	
13.	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions u/s.317 of the Code.	--	
14	Date of examination in-chief and Cross-examination of a witness	Chief	Cross
		PW.1 – 13.07.2026	13.07.2026
15.	Date of examination of the accused U/s. 313 of the Code	20.07.2026	
16.	Details of abscondence of an accused and his appearance/production, as the case may be	--	
17.	Grant of stay by superior Courts and the results	--	

This Case was came up for final hearing before me on 20.07.2026, in the presence of Learned Assistant Public Prosecutor Grade – II, appearing for the Complainant and Mr.T.Kathervellu,M.A.,L.L.B., learned counsel appearing for the accused, after hearing arguments on both sides and after perusal of entire material records and evidences placed before this court for consideration till this date, this court pronounced the following:

J U D G M E N T

1. Gist of the prosecution case as per the final report, as follows:-

1. The Spl., Sub – Inspector of police Prohibition Enforcement Wing, Salem City, laid a

final report U/s. 193 (3) of BNSS against the accused Vanitha, W/o. Madhesh,, alleged that, on 23.08.2025 at about 07.00 hrs, near Water tank, Junction Vinayagar Koil, which comes under the jurisdiction of Alagapuram Police station limit, the accused had a possession of 17 Black Pearl Brandy bottles each 180 M.L. intended for illegal sale thereby, the accused committed for an offence U/s. 4 (1)(C) TNP Amendment Act, 2024.

2. On perusal of material records and on satisfaction the case had been taken cognizance of offence U/s. 4 (1)(C) TNP Amendment Act, 2024 against the accused. The accused appeared on summon and copies of documents relied by the Prosecution was furnished to her, U/s.230 of Bharatiya Nagarik Suraksha Sanhita, 2023.

3. On her subsequent appearance, the charge U/s. 4 (1)(C) TNP Amendment Act, 2024 had framed against the accused and explained to her and questioning heard. The Accused denied the charges as false and claimed to be tried. Hence, the case has been order for trial.

4. In order to prove the prosecution case, the prosecution had cited LW.1 to LW.3 and examined PW.1 and marked Ex.P.1 & Ex.P.2. The LW.1, LW.2 were not examined and had dispensed, at the request of the prosecution.

II. The case of the prosecution as per the testimony of prosecution witnesses in brief :-

5. The PW.1 Palani, the then Sp., Sub-Inspector of Police, PEW Salem City Police Station was the witness who registered the First Information Report (FIR), investigated the case and laid a final report.

6. On 23.08.2025 at about 07.00 am while PW1 on patrol duty to curb the illegal sale of Govt., liquors along with LW1- Mr. Karuppusamy, the then Spl. Sub-Inspector of police, PEW – Salem City & LW2- Mrs. Devi, the then Spl. Sub-Inspector of police, PEW – Salem City, he found the accused having possession of 17 No's of Black Pearl Brandy bottles in a white bag for illegal sale at about 07.15 am within the jurisdiction of Alagapuram police

station limited. Hence, the PW1 arrested the accused at about 07.30am and seized the 17 No's of Black Pearl Brandy bottles by preparing seizure Mahazar in the presence of LW1 & LW2. The said Seizer mahazar has been marked as Ex.P.1.

7. Then, at about 09.30 am, he brought the accused to the Police station and registered a case in Cr.No.282/2025, U/s.4(1)(C) of TNP Amendment Act, 2024. The said First Information Report (FIR) has been marked as Ex.P2. Then he released the accused on station bail, after due enquiry. Then, he took up the matter for investigation and examined the LW1 & LW2 and recorded their statement U/s.181(3) of BNSS. On 22.12.2025, he handed over the seized contraband to the Assistant Commissioner, Excise Department and same has been destroyed at the Chettichavady solid waste yard along with the other contraband seized like manner. On completion of investigation he laid a final report against the accused, U/s.4 (1)(C) of TNP Amendment Act, 2024.

8. On completion of prosecution side evidence, the incriminating portion of evidence against the accused explained to her and question U/s. 351 of BNSS, heard and the accused denied the same as false and stated that there has no defense side witness. Hence, defense side evidence was closed.

III. Points for Consideration:-

9. Whether the prosecution has proved the charge against the accused, U/s. 4 (1)(C) TNP Amendment Act 2024, beyond all reasonable doubt?

IV. Discussion and Finding:-

10. Heard both sides. Records carefully perused.

11. The case of the prosecution is that, on 23.08.2025 at about 07.00 hrs, near Water tank, Junction Vinayagar Koil, which comes under the jurisdiction of Alagapuram Police station limit, the accused had a possession of 17 Black Pearl Brandy bottles each 180 M.L.

intended for illegal sale thereby, the accused committed for an offence U/s. 4 (1)(C) TNP Amendment Act, 2024.

12. The learned Additional Public Prosecutor appearing for the prosecution would contended that, the prosecution rightly proved the offence against the accused, U/s. 4 (1)(C) TNP Amendment Act, 2024 through PW1 and Ex.P1, Ex.P2. Hence, she claimed to punished a accused with maximum sentence.

13. Per contra, the learned counsel appearing for the accused contended that, the PW.1 foisted the case against the accused for statistical purpose. Further he contended that the arrest of the accused seizer of alleged brandy bottles and destruction of property was not proved by the prosecution by examining any individual witness. Further the learned counsel contended that the prosecution miserably failed to proved their case beyond all reasonable doubt. Hence, she claimed to acquitted the accused.

14. The entire prosecution case rests upon the sole testimony of PW1. PW1 is the detecting officer, the Complainant, the investigating officer and the officer who filed the final report.

15. The occurrence is alleged to have taken place in a public place. However, no independent witness has been examined to support the alleged seizure. Though PW1 has stated that no member of the public was willing to witness the seizure, no satisfactory explanation has been offered as to why no independent witness could not be secured.

16. The seizure mahazar has been attested only by police officials accompanying with PW1. Thus, the recovery remains uncorroborated by any independent evidence. Further, the alleged liquor bottles were destroyed at the Chettichavady solid waste yard in the presence of officials and were never produced before the Court as material objects. The non-production of the seized articles and destruction Mahazar deprives the Court of an opportunity to verify the alleged contraband.

17. It is also relevant that PW1 himself registered the FIR, investigated the case and filed the final report. Though such investigation is not illegal merely for that reason, in a case where there is no independent corroboration, the evidence of PW1 requires careful scrutiny. Criminal jurisprudence requires the prosecution to establish the guilt of the accused beyond reasonable doubt. In the present case, except the interested testimony of PW1, there is no independent evidence to establish that the accused was in conscious possession of the liquor bottles for the purpose of illegal sale. The material available on record does not inspire confidence to hold the accused guilty beyond reasonable doubt. The LW's.1 & 2 who said to be accompanied along with the PW.1 also not examined by the prosecution for the reasons best known to them. It creates reasonable doubts in the minds of the court whether the case has been foisted against the accused for statistical purpose.

18. From the above discussion, this Court is of the considered opinion that the prosecution has failed to prove the charge against the accused beyond reasonable doubt. The accused is therefore entitled to the benefit of doubt.

RESULT:-

In the result, the accused found not guilty and acquitted from offence U/s. 4 (1)(C) TNP Amendment Act 2024, as per section 271(1) of BNSS.

Dictated by me, typed by my Steno-Typist, Corrected and pronounced by me in open court on the 29th day of July - 2026.

***JUDICIAL MAGISTRAT NO.VI,
SALEM.***

ANNEXURE

I. Complainant side evidence:-

Persecution Witnesses No.	Name of the Witnesses	Description
PW.1	Tr. Palani, Spl., Sub-Inspector of Police, PEW Salem City P.S, Salem.	Complainant and investigation officer.

II. Exhibits marked on the complainant side:-

<i>Exhibits No.</i>	<i>Date</i>	<i>Description of Exhibits</i>	<i>Proved by/ Attested by</i>
Ex.P.1	23.08.2025	Seizure Mahazar	PW.1.
Ex.P.2	23.08.2025	First Information Report (FIR)	PW.1.

III. Material Obstructs marked on the side of the Complainant :-

-Nil-

IV. Accused side evidence:-

-Nil-

V. Exhibits marked on the accused side:-

-Nil-

VI. Note :-

1. The bond executed by the accused, if any, is ordered to be canceled after appeal period.
2. No witnesses had been called for evidence more than 3 days.
3. Result of the Judgment had been informed to the prosecution for concern police.
4. A copy of the Judgment has been submitted to the Hon'ble Chief Judicial Magistrate, Salem.

***JUDICIAL MAGISTRATE NO. VI,
SALEM.***