

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE-VII,  
ERNAKULAM**

**Present :-**

**Sri. V P M Suresh Babu, Additional District & Sessions Judge VII.  
Thursday, the 7<sup>th</sup> day of November, 2024/16<sup>th</sup> Karthika, 1946.**

**SESSIONS CASE No.992/2021**

(Crime. No.531/2021 of Fort Kochi Police Station)

**Complainant :**

Inspector of Police, Fort Kochi Police Station

**By Adv. Jolly George Addl. Public Prosecutor**

**Accused:**

1. Jenson M J, aged 24/21, S/o.M A James,  
CC11/1281-A, Mangalappally House, Central Odatha,  
Veli, Fort Kochi
2. Telson Thomas, aged 24/21, S/o.Thomas Jacob, C C  
11/385 A, Kandathil House, Near INS Dronacharya, Fort  
Kochi
3. Muhammed Shiyad K P, aged 25/21, S/o.Musthafa,  
SwathikaSadan, Kalamassery, Aluva.
4. Akhil Gopi, S/o.Gopi, H. No. 15/482, Karu parambil  
House, Azheekal P O, Elamkunnappuzha, Vypin

**A1 - By Adv. Jijo George**

**A2 - By Adv. Aneesh K R**

**A3 - By Adv. Jijo George**

**A4 - By Adv. Millu Dandapani**

This Sessions Case coming on for hearing on 01.08.2024 in the presence of the Addl. Public Prosecutor and counsel for the accused and after having stood over for consideration till this day, and the Court on 07.11.2024 delivered the following:

## **ORDER**

### **Order on Framing of Charge**

It is a case filed for an offence punishable under Section 20(b)(ii)(A) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No. 531/21 of Fort Kochi Police Station.

2. The prosecution case is that the accused No. 1 and 2 were found in possession of 20 g and 25 g of ganja kept in their personal possession in front of INS Dronacharya gate at Ernakulam on 24-05-2021 at about 5.50 pm. When they were questioned, they gave a disclosure statement that they had purchased ganja for the purpose of sale from 3<sup>rd</sup> accused and hashish oil from 4<sup>th</sup> accused and the same has been kept in house No. 11/1281A of Cochin Corporation. Pursuant to the disclosure 2.40 kilogram of ganja and 60 gram of hashish oil were seized. Thus, the accused has committed the offences punishable under section 20(b)(ii)(A) and 22 of the NDPS Act.

3. Heard both sides and perused the prosecution records.

4. So far as search and seizure of small quantity of ganja in front of the grate of INS Dronacharya at Fort Kochi

from accused Nos. 1 and 2 and seizure of hashish oil and ganja from the house of 1<sup>st</sup> accused, there are sufficient material produced by the prosecution including statement of witnesses, inventory and chemical report. So far as accused Nos. 3 and 4 are concerned, the only allegation as per the prosecution charge is that ganja was purchased from third accused and hashish oil was purchased from the fourth accused. The 3rd accused was arrested on 11.07.2021 and except the statement of A1 and A2, no other independent material has been collected by the prosecution to prove that ganja was sold to the first accused by the third accused. The fourth accused was not arrested during the investigation stage. No material is also collected to prove the involvement of the accused and to prove that hashish oil was purchased from fourth accused.

5. Therefore, even if the entire prosecution material is taken as proved, there is no evidence to prima facie show that the accused 4 were involved in the offence. A3 is absconding. Therefore, I find that there is sufficient materials to frame charge against accused Nos. 1 and 2 for offences punishable under section 20(b)(ii)(A) and 20(b)(ii)(B) of the NDPS Act. There is no material to frame charges against accused No. 4. Hence, accused No. 4 is discharged.

Dictated to the Confdl. Asst., transcribed and typed by her corrected by me and pronounced in open court on this the 7<sup>th</sup> day of November, 2024.

Id/-

**V P M Suresh Babu**  
Addl. Sessions Judge -VII  
(By Order)

///True copy///

Sheristadar

Sr  
Com by : sr

SC No. 992/2021  
(Crime. No.531/2021 of  
Fort Kochi P S)  
dtd 07.11.2024