

**IN THE COURT OF THE JUDICIAL MAGISTRATE,  
SULUR, COIMBATORE DISTRICT.**

**Present: Thiru.T.Arunkumar, M.A.,M.L.,M.B.A.,**

Judicial Magistrate, Sulur.

**Tuesday, the 09<sup>th</sup> day of June 2026**

**Summary Trial Case No:229 of 2019**

**(CNR No.TNCB18-000322-2019)**

1.	Serial Number of the Case	Summary Trial Case No:229 of 2019
2.	Name of the Complainant & Address	State Represented by the the Sub Inspector of Police, Karumathampatty Police station in Crime No:308 of 2018 under sections 5,10 of Handlooms (Reservation of Articles for production) Act 1985.
3.	Name, Age, Father's Name and Address of the Accused	Mr.Subramaniyan, (Aged 55/2019), S/o.Kaliappan, Udiyar Street, Karumathampatty Road, Shanmuga fire works back side, Somanur.
4.	Offence Complained of	Offence under Sections 5 and 10 of Handlooms (Reservation of Articles for production) Act 1985.
5.	Date of Offence	23.07.2018.
6.	Date of Complaint	23.07.2018.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty
8.	Date of Apprehension	24.07.2018.

9.	Released on bail	24.07.2018.
10.	Commencement of trial	30.10.2019.
11.	Close of trial	08.06.2026.
12.	Judgment Reserved on	08.06.2026.
13.	Judgment Pronounced on	09.06.2026.
14.	Sentence or Order	<b>Acquitted</b>
15.	Explanation of Delay	Nil
16.	Remarks	Nil

**As per Amendment to the Criminal Rules of Practice 2019 dated 23.03.2022, the case summary is detailed below**

Sl.No	CASE SUMMARY			
i).	The period of remand of the accused	Name of the accused	Date of Remand	Release on
		Mr.Subramaniyan (Aged55/2019),S/o.Kaliappan,Udiyar Street, Karumathampatty Road, Shanmuga fire works back side, Somanur.	24.07.2018	24.07.2018
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	02.04.2019	

iii).	Date of committal of the cases to the Court of Sessions	Nil	Nil
iv).	Date of questioning of the accused under section 228, 240, 246 and 251 of the Code of Criminal Procedure, 1973, as the case may be;	Questioning under section 251 of Cr.P.C on 30.10.2019.	
v).	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;	Crl.M.P.No. & under section or prayer	Date of filing Result
		Crl.M.P.No.4517/2019 – petition filed u/s 311 of Cr.P.C	filed on 18.12.2019 allowed on 18.12.2019
		Crl.M.P.No.4218/2019 – petition filed u/s 311 of Cr.P.C	filed on 11.12.2019 allowed on 11.12.2019
		Crl.M.P.No.2925/2019 – Petition u/s 70(2) of Cr.P.C	filed on 13.09.2019 allowed on 13.09.2019
		Crl.M.P.No.2924/2019 – Surrender petition filed.	filed on 13.09.2019 allowed on 13.09.2019.

vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross
		PW1-Mrs. Amsaveni PW2-Mr. Kannan PW3-Mrs. Kasthoori PW4-Mr.Vinsent PW5-Mr.Ramasamy, the Sub Inspector of Police	04.12.2019 11.12.2019 11.12.2019 20.05.2026 04.06.2026	18.12.2019 18.12.2019 18.12.2019 Hostile 04.06.2026
vii).	Date of examination of the accused under section 313 of the Code;	05.06.2026.		
viii).	Details of abscondance of an accused and his appearance / production, as the case may be; and	Nil		
ix).	Grant of stay by superior courts and the results thereof	Nil		

In this case cognizance was taken on 02.04.2019 and came up for final hearing on 08.06.2026 before this court, in the presence of Tmt.R.Senthamil Selvi, B.A.,B.L.,(Hons) Learned Assistant Public Prosecutor Grade-II for the State and Advocates Mr.K.Subbarayan, B.A., B.L., and Mr.D.Navaneethan, M.B.A., L.L.B.,

for the accused, having stood over for consideration till this day, upon perusing the records and hearing both side arguments, this court doth delivers the following

### **JUDGMENT**

**(1). The gist of the final report filed by the Sub Inspector of Police, Karumathampatty Police Station in Crime No:308 of 2018 under sections 5,10 of Handlooms (Reservation of Articles for production) Act 1985 is as follows:**

On 23.07.2018 at around 16:30 hours, within the Karumathampatti police jurisdiction, behind the Shanmuga Crackers shop owned by Kaliyappan on Udaiyar Street, Karumathampatti Road, Karumathampatti, Tiruppur Handloom Reservation Enforcement Division officials conducted an inspection at a powerloom godown owned by K. Subramani. During the inspection, the accused, K. Subramani, was found unlawfully manufacturing gray cotton dhotis with pattuborders on 10 powerlooms owned by him in contravention to hand looms(preservation of articles for production) Act 1985. Therefore, the accused has committed an offense punishable under Section 10(a) of the Handlooms (Reservation of Articles for Production) Act, 1985.

(2). After taking cognizance of the offence, the summons was issued to the accused and on his appearance, he was furnished with the copies of the documents which were relied by the prosecution in compliance of Section 207 of Cr.P.C.,. As there was a prima facie case made out against the accused, substance of accusation under Sections under sections 5,10 of Handlooms (Reservation of Articles for production) Act 1985 read over and explained. When the accused was questioned under Section 251 of Cr.P.C on the allegations leveled against him, he pleaded not guilty and claimed to be tried.

(3). It is the endeavour of the prosecution to prove the guilt of the accused beyond all reasonable doubts by adducing suitable evidence and relevant materials. The prosecution side has examined 5 witnesses out of 6 witnesses let in the final report to establish the guilt of the accused, LW2 was dispensed by the prosecution and marked **Ex.P:1** to **Ex.P:6**. Property in RPR No.29/2019 **P.M.O:1** has been produced on the side of prosecution.

**(4). The gist of the prosecution case is as follows: -**

(4.1) PW-1 Amshaveni, deposed she was currently working as Assistant Enforcement Officer in Erode and she further deposed that on 23.07.2018, while she was working as the Assistant Enforcement Officer in Tiruppur, a routine inspection was carried out at a power loom factory premises owned by the accused, Subramani and during the inspection, it was observed that gray cotton sarees featuring a patu border design a variety strictly reserved for hand looms were being illegally manufactured on 10 active power looms. A set of 3 sarees was seized under a Mahazar (Panchnama) and the seized sarees were packed and sealed in a cover and marked as **P.M.O.1**. A complaint **Ex.P.1** was subsequently lodged at the Karumathampatti Police Station.

(4.2) PW-2 Kannan, deposed that monthly inspections of powerloom units are routinely conducted by the Tiruppur Hand loom Reservation Enforcement Division. On 23.07.2018, the inspection team, comprising PW-1 Amshaveni, PW-2, and PW3 Typist Kasthuri, raided the premises situated behind Shanmuga Crackers in Karumathampatti. The manufacturing of reserved hand loom cotton saree varieties on 10 automated power looms by the accused was witnessed. The

seizure of 3 sample sarees as evidence was confirmed, and the signatures of PW-2 on the Mahazar and recovery forms were identified. The panchanama and seizure mahazar was marked as **Ex.P.2** and **Ex.P.3**.

(4.3) PW-3 Kasthoori, deposed that she assisted the enforcement team during the raid on 23.07.2018 at the accused's powerloom unit. The unauthorized production of reserved gray cotton sarees on 10 powerlooms was verified. The execution of the Mahazar and the seizure of the three sarees in a sealed cover were supported by her. Her signature on the recovery documents was identified and marked.

(4.4) PW-4 Vincent deposed that he doesn't know anything regarding the case. During cross examination PW-4 was declared as a hostile witness.

(4.5) PW-5 Ramasamy deposed that on 23.07.2018, at 21:30 hours, a written complaint was received from PW-1 Amshaveni at the Karumathampatti Police Station. Based on the complaint, Crime No. 308/2018 was registered under Section 5 read with 10 of the Handlooms (Reservation of Articles for Production) Act, 1985. The First Information Report (FIR) was formally drafted. Statements from witnesses were recorded. Further the sample acknowledgment receipt for the property was obtained and marked as **Ex.P.5**. The accused was arrested and released on station bail. He further deposed that the seizure mahazar, panchanama and the case property was sent through Form 91 to the court. Form 91 is obtained and marked as **Ex.P.6** Upon completion of all legal formalities, the final charge sheet was submitted to the court on 04.09.2018.

(5). Upon the closure of the prosecution evidence, the accused was questioned under section 313(1)(b) of the Code of Criminal procedure with regard to the incriminating circumstances that appeared against him, in the evidence of

prosecution witness, he denied the same as false evidence and stated that he does not have any witness on his side.

(6). The learned APP submitted that the prosecution has proved its case with the oral testimony of PW1 to PW5 and **Ex.P:1** to **Ex.P:6** and the witnesses examined on the side of prosecution were corroborated each other and the prosecution case.

(7). The learned defense counsel argued that there is no reliable and credible evidence to prove the allegation against the accused and the witnesses examined on the side of the prosecution are officials and further FIR ought not have been registered and the complainant should have followed the private complaint procedure and false case had been foisted against the accused and further the complainant had not produced the lab report and the same is fatal to the case of the prosecution and hence the benefit of doubt may be given to the accused and the accused may be acquitted.

**(8). Now the point for determination is Whether the prosecution has proved the allegations against the accused beyond reasonable doubt. If so, then What would be the sentence to be imposed against him?.**

**(9). DISCUSSION:**

(9.1). The prosecution case is that On 23.07.2018 at around 16:30 hours, within the Karumathampatti police jurisdiction, behind the Shanmuga Crackers shop owned by Kaliyappan on Udaiyar Street, Karumathampatti Road, Karumathampatti, Tiruppur Handloom Reservation Enforcement Division officials conducted an inspection at a powerloom godown owned by K. Subramani. During the inspection, the accused, K. Subramani, was found unlawfully manufacturing

gray cotton dhotis with pettuborders on 10 powerlooms owned by him without government permission and hence, the accused is liable to be punished.

**(9.2)** The burden of proving a charge under Section 10(a) of the Handlooms (Reservation of Articles for Production) Act, 1985, rests entirely on the prosecution, requiring absolute proof that the manufactured textile falls strictly within the statutory definition of an exclusively reserved handloom article. In this case, the prosecution relies heavily on the ocular testimony of official witnesses PW-1, PW-2, and PW-3 to assert that the accused was manufacturing gray cotton sarees featuring a patu border design on active powerlooms. However, in socio-economic offenses of a highly technical nature, visual inspection by enforcement officials cannot legally substitute for an objective, scientific evaluation. Modern powerloom technology is fully capable of replicating the weave patterns, borders, and visual characteristics of handloom items, meaning that structural features like thread count, picks per inch (PPI), and specific warp or weft specifications cannot be determined accurately by the naked eye.

**(9.3)** The cross-examination transcript reveals a fatal evidentiary gap, the official inspection or laboratory report regarding the seized sample **P.M.O.1** was never submitted to the police. This missing link breaks the chain of custody and leaves the court without any scientific verification of the fabric's technical composition. Under Section 114(g) of the Indian Evidence Act, when the prosecution chooses to withhold vital technical or analytical documentation that it possesses or ought to have produced, the court is bound to draw an adverse inference. The legal presumption is that had this report been produced, its contents would have been unfavorable to the prosecution and would have shown that the fabric did not violate the reservation order.

(9.4) This technical defect is strongly illuminated by established jurisprudence. The Supreme Court of India in **State of Himachal Pradesh v. Jai Lal and Ors. 1999 7 SCC 280** established that an expert opinion must be supported by verifiable data and technical reasoning in the absence of a specialized report on a technical subject, a court cannot act as an expert to determine the identity of material based purely on human observation. Furthermore, the Madras High Court has consistently held in prosecutions under the Handlooms Act that the mere visual testimony of an enforcement officer is insufficient to sustain a conviction. The High Court has ruled that because the penal consequences under this special enactment are severe, the prosecution must rule out all possibilities of error by presenting a definitive certification from a notified textile expert or laboratory (such as SITRA) confirming the illegal specifications of the fabric.

(9.5) This foundational failure is exacerbated by severe procedural flaws in the investigation. PW-4 Vincent, the sole independent local witness called to authenticate the search, seizure, and the execution of the Mahazar **Ex.P.2** and **Ex.P.3**, turned completely hostile and denied any knowledge of the case. As a result, the entire narrative regarding the raid and recovery rests exclusively on interested official witnesses belonging to the raiding department. Furthermore, cross-examination admissions confirm that no immediate official acknowledgment or receipt was given to the accused at the exact time the materials were removed from the godown, casting deep doubt on the integrity of the seizure and the uninterrupted security of the seal on **P.M.O.1** before it reached the court via Form 91.

**(9.6)** Because the prosecution failed to produce a technical laboratory or sample examination report, it has failed to establish the corpus delicti of the offense. The technical identity of the fabric as a prohibited article remains entirely unproven. Combined with the hostility of the only independent witness and the resulting adverse inference under Section 114(g), the prosecution's case is reduced to uncorroborated institutional assumptions. Applying the strict standards mandated by the Supreme Court and the Madras High Court, the prosecution has failed to prove its case beyond a reasonable doubt, and the accused is legally entitled to an acquittal based on the benefit of doubt.

**(9.7).** In the cross examination of PW1 had admitted that she had sent one of the sample saree to the analyst and obtained report, however, she had not produced the report and further admitted that she had not handed over the report to the police. (சா,பொ.1 யை நான் பரிசோதனைக்கு அனுப்பி வைத்தேன். சா.பொ.1 பரிசோதனை செய்து அது சேவை தான் என்பதற்குண்டான அறிக்கையை பெற்றேன். ஆனால் அதை நீதிமன்றத்தில் தாக்கல் செய்யவில்லை. 31.07.2018 அன்று சா.பொ.1 ன் ஆய்வு அறிக்கை எனக்கு கிடைக்கப்பட்டது. அந்த ஆய்வு அறிக்கையை நான் போலீசாரிடம் ஒப்படைக்கவில்லை.) However, on contrary to the evidence of the Enforcement Officer PW1, the investigation officer Mr. Ramasamy (PW5) had deposed that seized articles were not sent for analysis.

**(9.8).** As sub-Rule (3) (a) of Rule 4 of the Handlooms (Reservation of Articles For Production) Rules, 1986 the enforcement officer ought to have sent one of the sample saree to the laboratory and produced the analyst report. However, in this case the Enforcement Officer herself had admitted that she had neither produced the analyst report in the court nor handed over the same to the

investigation officer. In such circumstances, in the absence of the analyst report the prosecution has miserably failed to establish the allegations against accused that he had manufactured the reserved articles in the power loom and punishable under section 10 of the Handlooms (Reservation of Articles for production) Act 1985 beyond reasonable doubt. Hence, the accused is entitled to the benefit of doubt.

**(10).** In the result, the accused is found not guilty for the offence under sections 5,10 of the Handlooms (Reservation of Articles for production) Act 1985 and the accused is acquitted under section 255(1) of Cr.P.C. The bail bond of the accused stands canceled.

**(11).** Property in RPR No.30/2019 **P.M.O.1** - Sealed cover with cotton saree – 1 No. is ordered to be returned to its owner on proper verification and the bond executed by him shall be cancelled after the appeal time.

This judgment is dictated by me to the Steno typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 09<sup>th</sup> day of June 2023.

(Sd/-T.Arunkumar)

Judicial Magistrate,  
Sulur.

**List of prosecution side witnesses:**

Prosecution Witness No.	Name of Witness	Description
01.	Mrs.Amsaveni	Defacto complainant
02.	Mr. Kannan	Seizure Mahazar witness
03.	Mrs. Kasthoori	Seizure Mahazar witness
04.	Mr. Vinsent	Eye Witness
05.	Mr.Ramasamy , the Sub Inspector of Police.	Investigating Officer

**List of prosecution side exhibits:**

Sl.No. of the exhibit	Description of the exhibit and its date	Date, when the exhibit was filed in the case	How marked	By whom filed	Remarks
01.	Complaint dated 23.07.2018.	04.12.2019	Ex.P:1	PW1	Original
02.	Panchanama dated 14.09.2018.	11.12.2019	Ex.P:2	PW2	Original
03.	Seizure Mahazar dated 23.07.2018.	11.12.2019	Ex.P:3	PW2	Original
04.	First Information Report dated 23.07.2018.	04.06.2026	Ex.P:4	PW5	Original
05.	Sample acknowledgment report dated 23.07.2018.	04.06.2026	Ex.P:5	PW5	Original
06.	Form – 91 dated 23.07.2018.	04.06.2026	Ex.P:6	PW5	Original

**Material objects: P.M.O.:1 – Sealed Cover with cotton saree – 1 No.**

**List of witness on the side of the accused: Nil**

**List of exhibits on the side of the accused: Nil**

**Note: -**

- 1.No witness has been retained for more than three times.
2. Accused remained on bail at the time of trial.
3. Result of this case is informed to the concerned police station.

(Sd/-T.Arunkumar)  
Judicial Magistrate,  
Sulur.