

**IN THE COURT OF THE JUDICIAL MAGISTRATE No.II, AT  
CHENGALPATTU**

**Present:- Tmt. S. Sahaana, M.A., M.L., MA.,  
Judicial Magistrate No.II, Chengalpattu.**

**Monday, the 23<sup>rd</sup> day of March 2026  
CC.No. 21 of 2026**

State Represented by  
Sub Inspector of Police,  
PEW Chengalpattu Police Station.  
(Cr. No. 488/2023)

.... Complainant

-vs-

Sivasakthi @ Ragul, aged about 23 years,  
S/o. Gnasekar

.... Accused

This case came up for final hearing on 23.03.2026, in the presence of Learned Assistant Public Prosecutor Grade I for Complainant and M/s. G.Sankar, S.Robert, A. Saravanan, K. Kaliraj, P. Logeshwaran, Learned Counsels for the accused. Upon hearing both side arguments and upon perusing the records and having stood over till this day for the consideration of this Court, this Court delivered the following:-

**(As per Circular of the Hon'ble High Court, Madras in  
ROC.No.814/2020/RG/F1, dated 07.04.2021)**

Complaint	State Represented by Sub Inspector of Police, PEW Chengalpattu Police Station. (Cr. No. 488/2023)
Accused	Sivasakthi @ Ragul, aged about 23 years, S/o. Gnasekar
The period of remand of the accused	22.10.2023
The date of filing of the complaint/final report in the Court	06.01.2026
The date of committal of the case of the Court of Session	NIL
The date of charges was framed as	17.02.2026

against the accused under section 263 of BNSS.	
Filing of all miscellaneous petitions and their results including the results on the challenge before superior Courts; except routine petitions like petitions under section 355 of BNSS.	NIL
Date of Examination in chief and cross-examination of witnesses.	PW. 1 – 13.03.2026 PW. 2 – 13.03.2026
Date of Examination of the accused under section 351(1)(b) of the BNSS	18.03.2026
Date of absconding of an accused and appearance/production, as the case may be;	NIL
Offence	Section 8(c), 20(b)(ii)(A) of NDPS Act 1985
Charges framed	Section 8(c), 20(b)(ii)(A) of NDPS Act 1985
Plea of the Accused	Not guilty
Finding	Accused is found guilty for an offence punishable under Section 8(c), 20(b)(ii)(A) of NDPS Act 1985
Sentence	Accused is convicted under Section 278(2) BNSS and sentenced to pay fine of Rs. 2000/- in default to undergo simple imprisonment of 1 months.

### **JUDGMENT**

1. The accused stands charged in Crime No. 488/2023 for having committed offences punishable u/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985.

#### **2. Brief averment of the Police report:**

On 22.10.2023, at 09.30 hours, at Athur Thenpathi Village, the accused was in illegal possession of 200 gram of ganja with intention to sell it. Subsequently, a complaint was lodged in PEW Chengalpattu Police Station and a FIR was registered

in Cr. No. 488/2023 for offences u/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985 as against Accused.

3. On filing the Final Report U/s.193 BNSS. before this Court, cognizance was taken against the accused and the same was taken on file as CC. No. 21 of 2026, for offences u/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985. The Summon was served to the accused. Subsequent, to the appearance of the accused, copies of relevant prosecution records were furnished as per section 230 of BNSS.

4. On perusal of the material records, this court has considered that a prima facie case was made out against the accused, to proceed further. Hence, the accused was questioned about the substance of accusation for offence punishable u/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985. However, the accused has pleaded innocence and claimed to be tried by this Court as it is a false case foisted against him.

5. On commencement of trial, the prosecution had examined PW.1, PW.2. Exhibits P.1 to P.3 were marked. MO.1 was marked.

**6. The case of the Prosecution case as it was unravelled by the witnesses before this Court is as follows: -**

**PW. 1** - Thiru. Suresh Kumar deposed in his evidence that on 22.10.2023 at 08.00 hours, he was working as Head Constable at PEW Chengalpattu Police Station. On receiving secret information by Selvam, Sub Inspector of Police. The Sub Inspecor of Police along with Narendiran PC and himself proceeded to Athur Thenpathi Village, the secret informant identified accused. They enquired the appeared accused and mentioned to search him. The accused was searched and found 200 gram ganja and the same was seized through seizure mahazar and they signed as witnesses. The 1<sup>st</sup> signature in the seizure mahazar is his and the seizure mahazar is marked as Ex.P.1. Then, the accused was arrested and along with seizure mahazar, they proceeded to the station. He was enquired.

**PW. 2** - Thiru. Selvam, Sub Inspector of Police (retired) deposed in his evidence that 22.10.2023 at 8.30 hours, he received secret information and at 09.30

hours, he along with Suresh Kumar and Narendiran, Police Constables proceeded to Athur Thenpathi Village. When, they enquired the appeared accused and mentioned to search him. The accused was searched and found 200 gram of ganja and the same was seized through seizure mahazar. Both the Police constables signed as witnesses. The accused was arrested and proceeded to the Police Station. FIR was registered in Cr.No. 488/2023 U/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985. FIR is marked as Ex.P.2. The Accused was released in station bail. The seized Ganja was produced before the Court through Form 95. Form 95 is marked as Ex.P.3. The ganja is marked as MO.1. After completion of the Investigation, the final report has been filed as against the accused.

7. When the accused was questioned on 18.03.2026, U/s. 351(1)(b) of the BNSS, about the incriminating circumstances available against him, he denied the same to be false. Further, mentioned that no evidence on his side.

8. Heard on both sides and perused the material records produced before this Court.

**9. Points for determination:**

The point for consideration is whether the accused was guilty of offences punishable, U/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985 and whether the prosecution has proved their case beyond a reasonable doubt?

**10. Discussion:**

The Learned Assistant Public Prosecutor argued that the accused has committed an offence punishable U/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985 and the prosecution proved the case beyond all reasonable doubt, hence accused may be dealt with accordance with law.

11. Per contra, the accused counsel contended that the accused has not committed any offence and the Prosecution has not proved the case beyond all reasonable doubts, accused is innocent, hence, the accused may be acquitted from this case.

12. Heard. Records perused. On perusal of records, it reveals that the case of Prosecution is that on 22.10.2023, at 09.30 hours, at Athur Thenpathi Village, the

accused was in illegal possession of 200 gram of ganja with intention to sell it. Hence, the accused was questioned about the substance of accusation for offence punishable U/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985.

13. On going through the records and the evidence adduced, it reveals that on prosecution side witnesses PW.1, PW. 2 were examined Ex.P1 to Ex.P3 and MO.1 were marked.

14. On going through the evidence, it reveals that PW1 – Thiru. Suresh Kumar, Head Constable of PEW Chengalpattu PS was examined and shown as eye witness, he deposed that on on 22.10.2023 at 08.00 hours, he was working as Head Constable at PEW Chengalpattu Police Station. On receiving secret information by Selvam, Sub Inspector of Police. The Sub Inspecor of Police along with Narendiran PC and himself proceeded to Athur Thenpathi Village, the secret informant identified accused. They enquired the appeared accused and mentioned to search him. The accused was searched and found 200 gram ganja and the same was seized through seizure mahazar and they signed as witnesses. Further, it reveals that PW2 – Thiru. Selvam, Sub Inspector of Police of Chengalpattu Taluk PS also deposed and corroborated with the evidence of PW1. FIR is marked as Ex.P.2 and Seizure mahazar is marked as Ex.P.1. On going through the evidence of PW1 and PW2 and the records, it reveals that the accused was identified by PW1 and PW2. Further, it reveals that the 200 grams ganja was seized from the accused. On going through the records, it reveals that since, the PW.1 and PW.2 deposed about the occurance in plausible manner and the same has been proved with material records, the prosecution has proved the case beyond all reasonable doubt. Hence, on considering above and in the interest of justice, the accused is found guilty for offences u/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985.

**15. In the result, the accused is found guilty and convicted U/s. 278(2) BNSS for offence punishable U/s. 8(c), 20(b)(ii)(A) of NDPS Act 1985 and sentenced to pay fine of Rs.2,000 in default to undergo simple Imprisonment of 1 Months.**

16. The bail bond executed by the accused stands cancelled after the appeal time.
17. The Property MO.1 - 200 gram of Ganja in P.I.No. 577/2025 is ordered to be destroyed as per procedure contemplated under law.

**Dictated to the Typist directly, typed by her, corrected and pronounced by me on this 23<sup>rd</sup> day of March 2026.**

**Judicial Magistrate No.II,  
Chengalpattu.**

**I. List of Prosecution side witnesses:**

1. PW. 1 - Suresh Kumar
2. PW. 2 - Selvam

**II. List of Documents on the side of Prosecution:**

1. Ex.P. 1 - Seizure Mahazar
2. Ex.P.2 - First Information Report
3. Ex.P.3 - Form 95

**III. List of Material Objects: 1) 200 gram of Ganja**

**IV. Defence side witnesses and Defence side Exhibits: Nil**

**Judicial Magistrate No.II,  
Chengalpattu.**