



IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO1
KODAIKANAL

Present :Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif Cum Judicial Magistrate No.I
Kodaikanal.

Monday, the 20th day of July 2026

CC.No.29/2026

(CNR.No.TNDG110002292026)

State Rep by Sub-Inspector of Police,

Thandikudi PS,

Crime No. 0007/2026

...Complainant

/ Vs /

Thiru. Sabariguru (Age 29/2026)

S/o. Thiru. Balakrishnan

...Accused

1.	Serial Number	C.C.No. 29 of 2026
2.	Name of the police station and the crime number of the offence.	Thandikudi P.S., Cr. No.007 of 2026
Description of the Accused		
3.	Name.	Thiru. Sabariguru
4.	Father's Name.	Thiru. Balakrishnan
5.	Occupation.	Businessman
6.	Residence.	3-1-16, Pajanai Mada Street, Ooralpatti, Pannaikadu, Kodaikanal Taluk, Dindigul District.

7.	Age.	29/ 2026		
Date of				
8.	Occurrence.	17.01.2026		
9.	Complaint.	17.01.2026		
10.	Apprehension.	17.01.2026		
11.	Release on bail.	17.01.2026 (Station Bail)		
12.	Commitment.	-		
13.	Commencement of trial.	22.06.2026		
14.	Closure of trial.	20.07.2026		
15.	Sentence or order.	Acquitted.		
16.	Service of copy of judgment or finding on accused.	-NA-		
17.	Explanation for delay.	-		
Case Summary				
18.	Period of remand.	--		
19.	Date of e-filing of charge sheet.	26.05.2026		
20.	Date of Questioning under Section 263 BNSS	13.07.2026		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW 1	13.07.2026	13.07.2026

		PW2	13.07.2026	13.07.2026
23.	Date of examination of the accused under section 351 BNSS	20.07.2026		
24.	Details of the abscondance of the accused and his appearance/ production.	-Nil-		
25.	Grant of Stay by superior court and the result thereof.	-Nil-		

This case being taken on file as CC.No.29/2026 and the state being represented by Assistant Public Prosecutor- Grade I and Mr.S.Murali counsel for Accused and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following.

JUDGMENT

This case is charge-sheeted by the Sub-Inspector of police, Thandikudi PS, against the accused in Crime No 0007/2026, alleging the commission of offence punishable U/s 4(1)(C) of Tamilnadu Prohibition(Amendment) Act.

2. The prosecution case in brief as follows:-

On 17.01.2026 at 09.00 Hrs under the subservience of Sub-Inspector of Police Rajendran The police personnel's of Thandikudi, while on their patrol at Pannaikadu " near by Public toilet, Aladipatti " found the accused Sabariguru, being positioned in suspicious manner, placed to have fled from the said place and was grabbed by the patrol police personnel's, as he tried to fled from the place of occurrence. The accused Sabariguru on enquiry of the police placed to have divulged the aspect that he purchased liquor sold by the state and indulged in the act of peddling and illegal resale. Based on the said divulgement by accused, possession of the accused searched for and the patrol police personnel's found 26 No's of 180 ml alcohol bottle's. Hence the accused was secured and the case registered for contravention of 4(1)(C) of

Tamilnadu Prohibition(Amendment) Act. Hence the case was charge sheeted by the police for the above said offence against the accused.

3. The sub - Inspector of Thandikudi LW3 Sekar registered the First Information Report Ex P1 as to the contravention of Tamilnadu Prohibition (Amendment) Act regarding Section 4(1)(C) TNP Amendment Act. PW1 Malliyah, LW1 Sundarapandiyar, Head Constables, LW3- Sekar Sub Inspectors, being a party of the Patrol group also stood as witness to the Seizure Mahazar Ex P2. Subsequently Sub Inspector Rajendran further proceed with the case for investigation and having recorded the statement of the patrol personnels, concluded the investigation and filed a final report placing the contravention act committed by the accused, regard the possession of liquor U/s 4(1)(C) TNP (Amendment) Act.

4. On charge sheet being filed, the case was taken on file against the accused Sabariguru summons issued. On appearance of the accused, copies were furnished under section 230 BNSS. The particulars of the offence of which he being accused was put to him, on prima facie case existed, this court framed charge against the accused U/s 4(1)(C) of Tamil Nadu Prohibition Act 1937 and asked whether he plead guilty or has any defence to make. The accused denied the charge and claimed to be tried. Hence this court proceed with prosecution side evidence.

5. The evidence on the side of prosecution consists of testimony of PW1 and PW2 and Exhibits P1 and P2 were marked. After closure of prosecution side evidence, this court questioned the accused U/s 351 of BNSS regarding incriminating material available against him in the prosecution evidence. The accused denied the complicity of the offence. The defence side did not examine any witness nor did they marked any document. Heard both sides.

6. The point for consideration in this case is:-

a) Whether the accused contravened Section 4 (1)(C) of TNP Act by being in possession of liquor or any other intoxicating drug?

7. Point (a):-

It is the reliability and trustworthiness of persecution witness which a criminal court mien into. The prosecution version in their averment placed that, in their routine patrol duty at Pannaikadu “ near by Public toilet, Aladipatti ” police personnel’s they came to intercept the accused Sabariguru, and it is through the divulgement of Accused, the patrol personnel’s came to divulgement of the aspect peddling alcohol without any licence or permit. The version of PW1 Malliyah merely reverberated the contentions as set out in the Ex P1 FIR. In case appertaining criminal charge, account of PW1 being an unsubstantiated verbal account does not meet the standard of proof.

8. PW1 Malliyah , testified the aspect of seizure and the preparation of Seizure Mahazar Ex P2. The prosecution asserts that the liquor bottles were seized. Through the prosecution’s theory, it stands revealed that the alleged liquor said to have been possessed by the accused was seized. However, the seized article was not subject to sampling or chemical analysis, which strikes at the very root of the prosecution’s case. In the absence of such evidence, the prosecution has failed to establish that the material allegedly possessed by the accused was, in fact, liquor. In criminal case, the burden of proof squarely lies on the prosecution, and the court cannot merely presume the same without substantive proof. Thus where the case is built upon the account of interested witness, where there is no independent witness brought on record to testify the aspect of seizure, to place with precision the place from which the bottles were seized, mandates the court to proceed with caution. The testimony of PW1 does not inspire confidence to treat them as reliable witnesses.

9. The search was placed to be effected and accused secured, and found that he was in possession of 26 Nos of 180 Ml liquor bottles. The version of the prosecution as to the part that, the bottles having being procured from state outlet shop and sold retail by the accused without any licence, and absence of any investigation, pursued in the said averment as to when and from where and to whom the said alleged bottles of was bootlegged stands desolate and stands unsubstantiated

by the prosecution in terms of section 103 of the Indian Evidence Act. Further, the Seizure was not conformity with section 105 of BNSS herein noted. Thus the prosecution version right from the proceeding to the place of occurrence to the seizure and securing the accused stands aberrant, and makes the prosecution version engulf with the cloud of doubt.

10. PW2- Rajendran, investigating officer testified as to the aspect of steps carried in the process of investigation. The account of PW2 made evident and disclosed the aspect that Sub- Inspector sekar was the arresting, seizing as well as the complainant. The defence pointed to the aspect that Sub Inspector Sekar who being the seizing officer and arresting officer, further having registered the FIR, has proceeded with investigation and having recorded the 180 BNSS Statement . Thus the defence pointed to the aspect that every material step of the investigation, from the recovery of the alleged substance to the recording of witness statements, was carried out by S.I. Sekar, no substantive investigative act is attributable to the work of the PW2. Further, accounted that PW2 acted merely as formal authority who signed and filed the final report in place of S.I. Sekar, apparently to circumvent the defect arising from the concept of predetermined and to create an illusion of fairness in the investigation. Its stands establish that investigation suffers, regard the fairness of the investigation from the initiation is compromised. The fact highlighted by the defence diminishes the strength of the prosecution's case. This court relies upon the judgement laid by the Honble Apex court in the case **State By Inspector Of Police, Narcotic Intelligence Bureau, Madurai,Tamil Nadu v. Rajangam 2010 SCC 15 369**, which lends credence to the defendant's assertion.

11. Further, Considering the time and place of the vicinity where the seizure was effected, being a location accessible to the public, no independent witnesses were brought on record to substantiate the factum of seizure. This court relies upon the judgement laid by the Honble Apex Court in **Jafarudheen and Others Vs State of Kerala** wherein it stands specified that "one cannot lose sight of the fact that the prosecution may at time take advantage of custody of the accused, by other means.

The court will have to be conscious of the witness credibility and other evidence produced when dealing with recovery. The prosecution has failed to adduce credible and convincing evidence to demonstrate that the alleged recovery was effected from the possession of the accused in lawful and reliable manner. Consequently, the essential link between the accused and the contraband remains unproved.

Thus on the stand point view of prudent man, from the above discussion, it has come out that the prosecution has not proved the guilt of the accused beyond reasonable doubt. As such the offence allege against the accused U/s 4(1)(C) of Tamil Nadu Prohibition Act was not proved and found not guilty, the accused Sabariguru is acquitted U/s 271(1) of BNSS.

Though the seized contraband's (26 number of 180 ML Black Pearl Brandy having been forwarded to this court under the aegis Form -91, the said contraband's are not marked as material objects is herein specified . Hence the seized contraband's received in R.P.R.No. 18/2026, its contents shall be destroyed and the empty bottles shall be confiscated to the state by the Investigating agency in conformity to rule 262 of Criminal Rules of practice 2019 after the expiry of period specified for appeal. The bond if any executed by the accused shall be cancelled after period specified for appeal.

Dictated by me to the steno typist, typed by him in computer, verified by me to be correct and pronounced in open court on Monday the 20th day of July 2026.

**District Munsif Cum Judicial Magistrate No1
Kodaikanal.**

1. Prosecution Side Witness:-

1. PW 1 – Thiru. Malliyah
2. PW 2 – Thiru. Rajendran

2. Exhibits of the Prosecution:-

1. Ex. P1 - First Information Report
2. Ex.P2 - Seizure Mahazar

3. Defence Side Witness: - NIL

4.Exhibits of the Defence:- NIL

5.Material Objects for Both Prosecution and Defence:- NIL

**District Munsif Cum Judicial Magistrate No1,
Kodaikanal.**

Note:

1. During the period of trial the accused were enlarged on bail.
2. No witnesses were held more than three days without examination.
3. Decision of court intimated to the complainant police.
4. The copy of this order is directed to be sent to the Honble Chief Judicial Magistrate. Dindigul
5. Judgement Date : 20.07.2026

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO1
KODAIKANAL

Present : Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif cum Judicial Magistrate No1,
Kodaikanal.
Monday the 20th day of July 2026

Complainant	:	The Sub-Inspector of Police, Thandikudi
Accused	:	Thiru.Sabariguru
Offence	:	U/s. 4(1) (c) of Tamilnadu Prohibition Act
Finding	:	Found Not guilty
Sentence	:	Acquitted
1.	Serial Number.	CC.No.29/2026
Description of the Accused		
2.	Name	Thiru. Sabariguru
3.	Father's Name	Thiru. Balakrishnan
4.	Occupation	Businessman
5.	Residence	3-1-16, Pajanai Mada Street, Ooralpatti, Pannaikadu, Kodaikanal Taluk, Dindigul District.
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