

Calender Case No.160 of 2026
Crime No.216/2025, PEW-Dharmapuri Police Station, Dharmapuri
IN THE COURT OF JUDICIAL MAGISTRATE COURT NO.II

Present :Tmt.R.SUSHMITHA,B.A.,L.L.B.,(Hons.,)

The Judicial Magistrate Court No.II, Dharmapuri.

On the Wednesday, the 22nd day of July 2026.

Calender Case (CC.) No.160 of 2026

In

Crime No. 216/2025

(On the file of *PEW-Dharmapuri* Police Station, Dharmapuri)

CNR No. TNDP040018732025

Statement as per Rule Section 125 of the Bharatiya Nagarik Suraksha Sanhita

1.	Serial Number	Calender Case (CC.) No. 160 of 2026
2.	Name of the Police Station and Crime No.	State of Tamil Nadu represented by its Sub Inspector of Police, <i>PEW-Dharmapuri</i> Police Station, Dharmapuri Crime No. 216 of 2025 Complainant
3.	Name of the Accused	VELUSAMY (M/57 Years) S/O. RAJI RESIDENT AT, KOMBAI VILL, PALAYAMPUDUR (PO), NALLAMPALLI (TK), DHARMAPURI (DT). Occupation: -- Accused
4.	Fathers Name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of occurrence	01.05.2025 at about 15.00 hours

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9.	Date of Charge sheet and Date on which chargesheet was filed into Court	Date of Chargesheet : 01.05.2025 Date of Filing Chargesheet: 10.02.2026
10.	Date of Apprehension	--
11.	Date of Release on bail	01.05.2025
12.	Date of Commitment	--
13.	Date of Commencement of Trial (The date of furnishing of documents u/s. 230 BNSS)	10.06.2026
14.	Charges framed against the accused and their plea	On 01.06.2026 the accused was questioned on charges were framed against the accused for the offences u/s. 4(1)(C) TNP Act 2024 When the charges was read out and explained to the accused, he pleaded not guilty and claimed to be tried. Hence the case was posted for trial in accordance with 277 of the Bharatiya Nagarik Suraksha Sanhita 2023
15.	Closure of Trial	08.07.2026
16.	Sentence or Order	The Accused is FOUND NOT GUILTY and ACQUITTED (U/s.278(1) BNSS) of the offences punishable u/s. 4(1)(c) TNP Act 2024
17.	Service of copy of the judgement or finding on the accused	Copy of the judgment was uploaded on CIS and made available for download on E-Courts Portal

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18.	Explanation of delay	Not applicable
19.	Property Order U/s. 498 Code of Bharatiya Nagarik Suraksha Sanhita 2023	--
20.	Counsel for the Complainant	Ms.Tamilselvi, Assistant Public Prosecutor – Grade – II
21.	Counsel for Accused	Mr.L.N.Velmurugan, Advocate

Paragraphs in the judgement assigned continuous paragraph numbers in due obedience of the direction of the Hon'ble Supreme Court of India in BS Hari Commandant vs Union of India and others (2023 LiveLaw SC 303)

The case came up for final hearing before me today in the presence of **Mr.L.N.Velmurugan**, Advocate, the learned counsel for the Accused and Ms.Tamilselvi, the learned Assistant Public Prosecutor for the State. Having heard both sides, perused records and having stood over it for consideration, this Court on **22.07.2026 (Wednesday)** delivers the following.

JUDGEMENT

I. CASE OF THE PROSECUTION

1. The prosecution case is that on 01.05.2025 at about 3.00 p.m., within the limits of Thoppur Police Station, the accused, Velusamy, was found in possession of 27 bottles of 180 ml Jet Brandy behind his house without Government authorization. It is alleged that he had kept the liquor for the purpose of selling it in retail at an

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enhanced price, thereby committing an offence punishable under Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

II. FURNISHING OF COPIES AND HEARING OF CHARGES:

2. Upon service of the summons u/s. 227 of the Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter called as Code) and on the production of the Accused, copies of the final report and the documents were given to the Accused in compliance with section 230 BNSS of the Code.

3. Thereafter, Charges was framed against the Accused u/s. 4(1)(C) TNP Act. When the charges were read out and explained to the accused, they pleaded not guilty and claimed to be tried. Hence the case was posted to trial in accordance with section 271 (1) BNSS of the Code

III. EVIDENCE ADDUCED BY THE PROSECUTION:

4. In order to prove the charges against the accused, the prosecution examined witnesses, P.W. 1 to P.W 2. Exhibits Ex.P1 to Ex.P2 were marked on behalf of the prosecution.

5. P.W. 1 is the Seizure Mahazar Witnesses, P.W.2 is the Investigation officer.

IV. QUESTIONING U/S. U/S. 351 (1)(b) OF BHARATIYA NAGARIK SURAKSHA SANHITA 2023

6. The circumstances appearing in the evidence of the witnesses against the Accused were put to him and his answer was elicited. The Accused replied that the case against him is false and the case was foisted against him.

V. POINT FOR DETERMINATION:

7. Whether the prosecution has proved beyond all reasonable doubts that the accused has committed the offences u/s. 4(1)(c) TNP Act against him?

VI. APPRECIATION OF EVIDENCE AND FACTS:

a) Whether the prosecution has proved beyond reasonable doubt that the accused has committed offence u/s.4(1)(c) TNP Act ?

8. To discharge the burden on the prosecution, the prosecution examined PW1 who deposed that on 01.05.2025 at about 3.00 p.m., while he was attached to the Dharmapuri Prohibition Enforcement Wing, the Special Sub-Inspector of Police, Gopi, received secret information regarding illegal sale of liquor. Acting on the said information, he, along with Head Constable Kapildev, proceeded on patrol duty in connection with prohibition offences.

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9. He further deposed that, based on the information received, they went to Kombai Village, where they found the accused Velusamy standing behind his house with a bag. On seeing the police party, the accused attempted to flee, but he was apprehended and questioned.

10. PW-1 stated that during the enquiry, it was found that the accused was in possession of 27 bottles of 180 ml Jet Brandy, which he had kept for illegal retail sale without Government permission.

11. He further deposed that he and Head Constable Kapildev produced the seized liquor bottles before Special Sub-Inspector Gopi. Thereafter, the accused was arrested, and in the presence of himself and Head Constable Kapildev, a Seizure Mahazar-cum-Destruction Mahazar was prepared. He identified his signature in the Mahazar and stated that Head Constable Kapildev had also signed it as a witness.

He further stated that Special Sub-Inspector Gopi examined him and recorded his statement. The Seizure Mahazar-cum-Destruction Mahazar was marked as Ex.P1.

Prosecution further examined IO as PW2 who deposed that on 01.05.2025 at about 3.00 p.m., while he was attached to the Dharmapuri Prohibition Enforcement Wing, he received secret information that the accused Velusamy was illegally storing liquor behind his house at Kombai Village, within the limits of Thoppur Police Station.

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12. He further deposed that, acting upon the information, he, along with Head Constables Muthusamy and Kapildev, proceeded to the spot. On seeing the police, the accused attempted to escape but was apprehended.

13. PW-2 stated that, upon enquiry, the accused was found in possession of 27 bottles of 180 ml Jet Brandy and admitted that he had kept the liquor for sale without Government authorization. He deposed that the accused was arrested and later released on station bail.

14. He further stated that at about 3.20 p.m., he prepared a Seizure Mahazar-cum-Destruction Mahazar at the scene of occurrence in the presence of Head Constables Muthusamy and Kapildev, who signed the Mahazar as witnesses.

15. PW-2 further deposed that he examined Head Constables Muthusamy and Kapildev and recorded their statements. Thereafter, he registered Crime No. 216/2025 against the accused Velusamy for the offence punishable under Section 4(1)(C) of the Tamil Nadu Prohibition Act, completed the investigation, and filed the final report before the Court.

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16. He also stated that the First Information Report and the connected records were forwarded to the jurisdictional Judicial Magistrate. The First Information Report was marked as Ex.P2.

b) Whether the prosecution has proved beyond reasonable doubt that the accused has committed offence u/s. 4(1)(c) TNP Act Act?

17.The main ingredients u/s. 4(1)(C) TNP Act are

i) Whoever, imports, exports, transports or possesses

ii) Liquor/ any intoxicating drug

which is punishable u/s. 4(1)(C) of TNP Act.

The prosecution case is that on 01.05.2025 at about 3.00 p.m., within the limits of Thoppur Police Station, the accused, Velusamy, was found in possession of 27 bottles of 180 ml Jet Brandy behind his house without Government authorization. It is alleged that he had kept the liquor for the purpose of selling it in retail at an enhanced price, thereby committing an offence punishable under Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

18. The prosecution states that the accused possessed the liquor bottles which were banned by the Government for the purpose of sale as alleged in section 4 (1)(a) of

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TNP Act. However, the prosecution has examined 2 witnesses that is PW1 and PW2, who were police witnesses. PW1 and PW2 did not submit before this Court the entries made in general diary or in the movement register as a proof for their act of patrol duty. Also it is pertinent to note, PW1 and PW2 being the police witnesses themselves, did not take any step to seize the alleged bottles front of any independent witnesses and the reason for that absence was not stated as evidence before this court. It is pertinent to note that PW2, Investigation Officer, admitted in his cross-examination that the prosecution did not investigate and produce before this Court that from where the alleged bottles of liquor was bought by the accused. PW2 also admitted that no entries in the general diary and movement register has been produced before this Court as evidence for the alleged patrol duty of PW1 and PW2 from where they seized the properties from the accused.

19. It this juncture it is also important to note that no liquor was subject to chemiacal analysis in laboratory to prove the nature of the liquid seized.

20. For the above mentioned discussion and also for the lack of independent witnesses for the seizure and destruction of property seized and also not production of evidence for proving that PW1 and PW2 was on patrol duty on the said day at the said time creates doubt on the prosecution and makes it weak. Hence the prosecution failed to prove charges against the accused beyoud reasonable doubt.

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21. Therefore upon consideration of the deposition of the witnesses and the exhibits filed by the prosecution, this Court finds that the prosecution has failed to prove in accordance with section 3 of the Indian Evidence Act, 1872 the accused person has committed the offence U/s.4(1)(C) TNP Act.

VII. FINDING:

22. The complicity of the accused person the crime was failed to be brought out by the determination of Points already. Therefore, upon consideration of the deposition of the witnesses and the exhibits filed by the prosecution, this Court holds that the prosecution has failed discharged its burden to prove the case against the accused beyond any reasonable doubt which remained unrebutted by the accused.

VIII.THE DECISION:

23. In light of the discussion and conclusions drawn under the previous heads this Court holds that the prosecution has FAILED TO PROVE the charges against the accused beyond all reasonable doubts.

24. Hence, the Accused is FOUND NOT GUILTY and ACQUITTED (U/s.278(1) BNSS) of the offences punishable u/s. 4(1)(C) TNP Act.

**IX. PROPERTY ORDER U/S.498 OF THE BHARATIYA NAGARIK
SURAKSHA SANHITA 2023 CODE**

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25. No Case Property.

*Typed by me in my laptop, corrected and pronounced by me in the open court
on this Wednesday, the 22nd day of July 2026.*

**Judicial Magistrate No.II,
Dharmapuri.**

Note:

- i. *No witness was retained more than three times*
- ii. *The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this Court vide email.*

LIST OF EVIDENCE

(As per Rule 107(1) of the Criminal Rules of Practice, 2019)

PROSECUTION SIDE WITNESS

S.No	Rank of the Witness	Name of the Witness	Remarks	Date of examination	Exhibits marked
1)	PW1	Muthusamy HC	Seizure mahazar witness	10.06.2026	P1
2)	PW2	Gopi	Investigating Officer	08.07.2026	P2

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APPENDIX B:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1)	Ex.P1	10.06.2026	Destroyed Mahazar with Seizure Mahazar
2)	Ex.P2	08.07.2026	First Information Report

MATERIAL OBJECTS

<u>S.No.</u>	<u>Material Object</u>	<u>Date of M.O</u>	<u>Description of the M.O</u>
1.	--	--	--

DEFENCE SIDE WITNESSES:

NIL

APPENDIX – E:

NIL

DEFENCE SIDE EXHIBITS:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1.	--	--	--

**Judicial Magistrate No.II,
Dharmapuri.**