

Calender Case No.147 of 2026
Crime No.190/2025, 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 Tuesday, the 21st day of July 2026.

Calender Case (CC.) No.147 of 2026

In

Crime No. 190/2025

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

CNR No. TNDP040018772025

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

1.	Serial Number	Calender Case (CC.) No. 147 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, Crime No. 190 of 2025 Complainant
3.	Name of the Accused	PERUMAKKAL (F) W/O. CHINNASAMY RESIDENT AT, KOTTAIMEDU VILL, BOOTHANAHALLI (PO) NALLAMPALLI (TK), DHARMAPURI (DT). Occupation: -- Accused
4.	Fathers Name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of occurrence	13.04.2025 at about 15.00 hours
9.	Date of Charge sheet and	Date of Chargesheet : 13.04.2025

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	Date on which chargesheet was filed into Court	Date of Filing Chargesheet: 10.02.2026
10.	Date of Apprehension	--
11.	Date of Release on bail	13.04.2025
12.	Date of Commitment	
13.	Date of Commencement of Trial (The date of furnishing of documents u/s. 230 BNSS)	09.06.2026
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
18.	Explanation of delay	Not applicable

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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 **21.07.2026 (Tuesday)** delivers the following.

JUDGEMENT

I. CASE OF THE PROSECUTION

1.The prosecution case is that on 13.04.2025 at about 3.00 p.m., within the limits of Adhiyamankottai Police Station, at Kottaimedu Village, Boothanahalli, the accused, Perumakkal, was found in possession of 28 bottles of 180 ml Black Pearl Brandy without Government authorization. It is alleged that she had kept the liquor behind her house 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.

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. 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:

8. To discharge the burden on the prosecution, prosecution examined head constable as PW1 who deposed that on 13.04.2025 at about 3.00 p.m., while she was attached to the Dharmapuri Prohibition Enforcement Wing, she, along with Head Constable Lakshmi, was on prohibition patrol duty based on secret information received by Special Sub-Inspector of Police Gopi.

9. She further stated that, acting on the information, they proceeded to the rear side of the accused's house at Kottaimedu, Boothanahalli, where they noticed the accused Perumakkal keeping a bag behind her house. On seeing the police party, the accused attempted to flee, but she was apprehended and questioned.

10. PW-1 deposed that, upon enquiry, the accused was found to be in possession of 26 bottles of 180 ml Black Pearl Brandy, which had been kept for illegal retail sale without Government permission. She stated that she and Head Constable Lakshmi seized the liquor bottles and handed them over to Special Sub-Inspector Gopi.

11. She further deposed that the accused was arrested and that a Seizure Mahazar-cum-Destruction Mahazar was prepared in her presence and in the presence of Head Constable Lakshmi. She stated that both of them signed the mahazar as witnesses. Thereafter, Special Sub-Inspector Gopi examined her and recorded her statement. She identified the Seizure Mahazar-cum-Destruction Mahazar, which was marked as Ex.P1.

12. Prosecution further examined IO as PW2 who deposed that on 13.04.2025 at about 3.00 p.m., while he was attached to the Dharmapuri Prohibition Enforcement

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Wing, he received secret information that the accused Perumakkal was keeping illicit liquor at her house in Boothanahalli Village.

13. He further stated that, accompanied by Head Constables Lakshmi and Senthamizhselvi, he proceeded to the spot. They found the accused holding a bag, and on seeing the police party, she attempted to escape. She was apprehended and questioned.

14. PW-2 deposed that the accused was found in possession of 28 bottles of 180 ml Black Pearl Brandy and admitted that she had kept them for sale without Government authorization. He stated that he arrested the accused and later released her on station bail.

15. He further stated that at about 3.20 p.m., he prepared the Seizure Mahazar-cum-Destruction Mahazar at the scene of occurrence in the presence of Head Constables Lakshmi and Senthamizhselvi, who signed the mahazar as witnesses.

16. PW-2 deposed that he examined Head Constables Lakshmi and Senthamizhselvi and recorded their statements. Thereafter, he registered Crime No. 190/2025 against the accused for the offence under Section 4(1)(c) of the Tamil Nadu Prohibition Act and filed the complaint. He further stated that he forwarded the First Information Report and other connected records to the jurisdictional Judicial Magistrate. He identified the First Information Report, which 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 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 TNP Act. However, the prosecution has examined 2 witnesses that is PW1 and PW2, who were police witnesses. PW1 and PW2 categorically admitted in their cross-examinations that they 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.

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

19. 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 createis Court finds that the prosecution has failed to prove

inaccordance 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:

21. 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:

22. 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.

23. 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

24. No Case Property.

Typed by me in my laptop, corrected and pronounced by me in the open court on this Tuesday, the 21st day of July 2026.

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

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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	Sentamilselvi WHC	Seizure mahazar witness	09.06.2026	P1
2)	PW2	Gobi	Investigating Officer	08.07.2026	P2

APPENDIX B:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1)	Ex.P1	09.06.2026	Destroyed Mahazar with Seizure Mahazar
2)	Ex.P2	08.07.2026	First Information Report

MATERIAL OBJECTS

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