

In the Court of Judicial Magistrate No.II, Usilampatty

Present: Thiru. G. Sathia Narayanan B.A.,B.L.

Judicial Magistrate No - II

Usilampatty

CALENDAR CASE No.490/2014

CNR.No.TNMD18-000146-2014

(Crime. No. 242/2013, Checkanurani P.S)

Dated this the 30th day of July' 2026

This case was taken on file by this court on 28/08/2017 and it is coming up for final hearing on 30/04/2014 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.K.Malarkodi.,M.A.,B.L., Advocate for Accused and upon perusal of records and on hearing both the sides and having stood over till this day for consideration, this court delivered the following:-

JUDGMENT

Complainant	The Sub Inspector of Police Checkanurani P.S.
Represented by	Asst. Public Prosecutor Grade II
Accused	1) Vayakkattusamy, aged 29/2013 S/o. Ramanathan, Panniyan, Madurai district. 2)Nagaraj, aged 28/2013 S/o. Thangam, Panniyan, Madurai district. 3) Murugan, aged 37/2013 S/o. Ramanathan, Panniyan, Madurai district.

	4) Ravi, aged 24/2013 (Died) S/o. Mookkan, Panniyan, Madurai district. 5) Chinnan, aged 38/2013 S/o. Raman, Kannanur, Madurai district. 6) Selvam, aged 26/2013 (Died) S/o. Ayyavu alias Chinnasamy, Panniyan, Madurai district.
Represented by	Advocate and Mr.K.Malarkodi.,M.A.,B.L.,,

Date of offence	16.06.2013
Date of F. I. R	16.06.2013
Date of Arrest	A1- Arrested on 01.07.2013 A2- Arrested on 08.07.2013 A3- Arrested on 23.07.2013 A4- Arrested on 16.06.2013 A5- Arrested on 16.06.2013 A6- Arrested on 23.07.2013
Date of Release	A1- Released on 11.12.2014 A2- Released on 16.07.2013 A3- Released on 26.07.2013 A4- Released on 22.06.2013 A5- Released on 22.06.2013 A6- Released on 26.07.2013
Period Remand of the Accused	A1- 01.07.2013 to 11.12.2014 A2- 08.07.2013 to 16.07.2013 A3- 23.07.2013 to 26.07.2013 A4- 16.06.2013 to 22.06.2013 A5 –16.06.2013 to 22.06.2013 A6 –23.07.2013 to 26.07.2013

Committal	--																																	
Date of Charge Sheet	06/06/2014																																	
Date of Framing of Charges	--																																	
Date of commencement of evidence	10/12/2020																																	
Date of close of trial	08/07/2026																																	
Date on which Judgment is reserved	16/07/2026																																	
Miscellaneous Petition and their results	Nil																																	
Date of Examination in Chief and Cross	<table><tr><td>Chief</td><td>Date</td><td>Cross Date</td></tr><tr><td>PW1</td><td>- 10.12.2020</td><td>--</td></tr><tr><td>PW2</td><td>- 10.12.2020</td><td>05.06.2025</td></tr><tr><td>PW3</td><td>- 08.11.2021</td><td>08.11.2021</td></tr><tr><td>PW4</td><td>- 08.11.2021</td><td>08.11.2021</td></tr><tr><td>PW5</td><td>- 08.11.2021</td><td>--</td></tr><tr><td>PW6</td><td>- 22.11.2021</td><td>21.11.2021</td></tr><tr><td>PW7</td><td>- 22.11.2021</td><td>22.11.2021</td></tr><tr><td>PW 8</td><td>- 22.11.2021</td><td>22.11.2021</td></tr><tr><td>PW9</td><td>- 23.12.2021</td><td>23.12.2021</td></tr><tr><td>PW10</td><td>- 08.07.2026</td><td>08.07.2026</td></tr></table>	Chief	Date	Cross Date	PW1	- 10.12.2020	--	PW2	- 10.12.2020	05.06.2025	PW3	- 08.11.2021	08.11.2021	PW4	- 08.11.2021	08.11.2021	PW5	- 08.11.2021	--	PW6	- 22.11.2021	21.11.2021	PW7	- 22.11.2021	22.11.2021	PW 8	- 22.11.2021	22.11.2021	PW9	- 23.12.2021	23.12.2021	PW10	- 08.07.2026	08.07.2026
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PW1	- 10.12.2020	--																																
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PW9	- 23.12.2021	23.12.2021																																
PW10	- 08.07.2026	08.07.2026																																
Date of Examination accused under section 313 Cr.P.C.	16/07/2026																																	
Details of abscondence of accused and his appearance production	--																																	
Grant of stay by Superior Court and the results thereof	--																																	
Date of Judgment	30/07/2026																																	
Date of sentence order if any	Nil																																	

Ran k of Acc used	Name of Accused	Date of Arrest	Date of Release on bail	Offenc es charged with	Whethe r acquitte d or convict ed	Sentenc e impose d	Period of detentio n undergo ne during Trial for purpose of section 428 Cr. P. C
1) 2) 3) 4) 5) 6)	Vayakkattusa my Nagaraj Murugan Ravi (Died) Chinnan Selvam(Died)	A1- Arrested on 01.07.2013 A2- Arrested on 08.07.2013 A3- Arrested on 23.07.2013 A4- Arrested on 16.06.2013 A5- Arrested on 16.06.2013 A6- Arrested on 23.07.2013	A1- Released on 11.12.2014 A2- Released on 16.07.2013 A3-Released on 26.07.2013 A4- Released on 22.06.2013 A5- Released on 22.06.2013 A6-Released on 26.07.2013	4(1)(aaa) TNP Act and 41(ii) 102 CrPC and 379 IPC	Acquitt ed	---	---

1.Nature of Prosecution Case:-

The brief case of the prosecution as set out in the final report U/s 173(2) Cr.PC is as follows: That about fifteen days prior to 16.06.2013, Accused Nos.1 to 3

and 6 hired a Maruti Omni car bearing Registration No. TN-58-09-AD-0142 from Erode. Accused No.1 drove the said vehicle along with Accused Nos.2, 3 and 6 with the intention of committing theft from parked goods vehicles. During the two consecutive days preceding 16.06.2013, they allegedly stole 1,359 bottles of 180 ml Express Special Brandy, 2,880 bottles of 100 ml Parachute brand coconut oil, 1,641 bottles of 200 ml Rin White, and 16 bottles of 500 ml Domex, and transported the stolen properties to Singuvayal Village within the limits of Checkanurani Police Station. They concealed the same near the shutter of a water canal without any Government permission. Thereafter, at about 3.00 a.m., Accused Nos.4 and 5 were found in possession of 192 bottles of 180 ml Express Special Brandy for the purpose of sale in an auto bearing Registration No. TN-58-M-5432. Thus, all the accused are alleged to have committed offences punishable under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act and Section 379 IPC, read with Section 41(ii) and Section 102 CrPC. Hence, the accused is charged.

2. Plea of the Accused:-

i) On receipt of the final report, this court has taken cognizance of the offence under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act and Section 379 IPC, read with Section 41(ii) and Section 102 CrPC. Thereafter summon was issued to the accused. On appearance of the accused, copies of the final report, statements and documents were furnished to the accused.

ii) Before adverting to the merits of the case, it is noticed from the records that though the present case is a warrant case instituted on a police report no formal charge was framed against the accused. However, the accused was made aware of the nature of the allegations through the final report. The prosecution witnesses were examined in his presence and were duly cross-examined on behalf of the accused. The accused was also examined under Section 313 Cr.P.C. “Relying on the dictum in the Willie Slaney case “ *Willie (William) Slaney v. State of Madhya Pradesh [AIR 1956 SC 116]*”, when a trial has reached the stage of judgment without

a charge being framed, the core test to be applied by this Court is whether such an omission has caused actual prejudice to the accused or has resulted in a failure of justice. If the record demonstrates that the accused was fully aware of the nature of the allegations, understood the case they had to meet, and was given a fair opportunity to cross-examine witnesses and enter their defense, the irregularity is entirely curable under Section 464 of the Code of Criminal Procedure, 1973 (corresponding to Section 535 of the old Code).”. The effect of the omission to frame a charge has, therefore, to be considered in the light of Section 464 Cr.P.C., while appreciating the case on merits.

The Evidence

The Prosecution Version

3. The prosecution has examined **PW.1 to PW.10** and marked **Exp-P1 to Exp-P16**. The prosecution has dispensed with the examination of LW10 and examined the additional witness as PW10.

4. The **PW.1** is namely Palanichamy, who is the then Head Constable , Checkanurani Police Station and he has deposed that on 16/06/2013, he along with Grade-I PC namely Babugandhi were assisting the then Sub-Inspector of police namely Mr.Ravi in the routine Patrol duty. At that time near Checkanurani Thevar Statute, when they intercepted an auto bearing Regn.No.TN-58-5432, which came from Sholavandhan to Checkanurani direction and found four boxes of Brandy bottles with a label Express Brandy. On enquiring the accused namely Ravi (A4) and Chinnan (A5), they stated that the said boxes contains brandy bottles. On unboxing the said boxes, 48 bottles were found in each boxes, totally 192 bottles in four boxes. The said Sub-Inspector of police seized the above said properties vide seizure Mahazar in their presence and he along with the said police constable Babugandhi signed in the same as witnesses. The said seizure Mahazar is marked as **Exp.P1**. The Sub- Inspector of police did examined him.

The PW2 was cross examined by the defence side.

5. The **PW.2** is namely Mayakannan, who is the then Grade-I PC of Vikkiramangalam Police Station and he has deposed that on 01/07/2013 , at about 10:00 AM, the accused namely Vayakkattusamy(A1) has given a statement before the witnesses at Panniyaan Junction, stating that the Grey colour Maruti Omni car bearing Regn.No. TN-09-AD-0142 used by the Accused A1 to A3 for the commission of the occurrence is concealed at a place and he would identify the same. Based on the same, he went along with the Inspector of police to Sooramoatti Fourway road at Erode and the said accused identified the above said vehicle. The said Inspector of police seized the above said properties vide seizure Mahazar in their presence and he along with the one Bhaskar signed in the same as witnesses. The said second signature in the said seizure Mahazar is that of him. The said Seizure Mahazar is marked as **Exp.P2**. The Inspector of police examined him in this regard.

The PW2 was cross examined by the defence side.

6. The **PW3** is namely Sethuraman, who is the then V.A.O of Checkanurani and Confession statement and seizure Mahazar witness and he has deposed that on 16/06/2013 , at about 06:30 AM, when he along with Village Assistant Chinnan was near Checkanurani Thevar Statute, the then Sub-Inspector of police enquired the accused A4 who came in an auto and obtained his confession statement. The said accused produced Brandy bottles , Parachute Cocunut oil, Rin white Soap, Domex toilet cleaner soap from the boxes. The said accused further stated that he was transporting the said properties from a canal Shutter near one Singh's farmland. He signed in the said confession statement and seizure Mahazar as a witness. The said first signature in the said confession statement and seizure Mahazar is that of him. The said signatures are marked as **Exp.P3 and Exp.P4** respectively. Thereafter , with regard to the same occurrence, on 01/07/2013, near Panniyaan Junction, the Inspector of police enquired the accused A1 and obtained his confession statement. The said accused stated that he has taken some articles near Tiruppur and concealed the same at one Singh's farmland. The said 1st signature in

the confession statement is marked as **Exp.P5**. Police did examined him in this regard.

7. The **PW4** is namely Sasikumar, who is the then V.A.O of Nadumuthalaikulam Village and Confession statement and seizure Mahazar witness and he has deposed that on 08/07/2013, with regard to this case, on requisition from the then Inspector of police, he went along with the police to Panniyaan Village. And the Inspector of police, arrested the Accused A2 namely Nagaraj near Government Kallar Middle School and enquired him. The said accused stated that, he along with other accused namely Vayakkattusamy, Selvam, Murugan committed robbery of Brandy bottles , Parachute Cocunut oil, Rin white Soap, Domex toilet cleaner soap and concealed the same near one Singh's farmland at Panniyaan Village. And the said accused further stated that he was selling the said articles at a lower price through the accused namely Ravi and Chinnan . The Inspector of police recorded the confession statement of the said Nagaraj. He signed in the same as a witness . The said 1st signature in the confession statement is marked as **Exp.P6**.

The PW4 was cross examined by the defence side.

8. The **PW5** is namely Periyakaruppan, who is the then Village Assistant of Karumaathur Village and Confession statement and seizure Mahazar witness and he has deposed that on 08/07/2013, with regard to this case, on requisition from the then Inspector of police, he went along with PW4 V.A.O and the police to Panniyaan Village. When the then Inspector of police enquired the accused Nagaraj, he has stated that he along with the accused namely Murugan and Vayakkattusamy has committed robbery of Contrabands, Brandy, wine and selling the same. And the PW5 adduced that he and the PW4 signed in the said confession statement as witnesses at about 04:00 to 04:30 PM. The said 2nd signature in the confession statement is marked as **Exp.P7**.

The PW5 was cross examined by the defence side.

9. The **PW6** is namely Babugandhi, who is the then Grade-I, Police constable of Checkanurani Police Station and seizure Mahazar witness and he has deposed that on 16/06/2013, at about 03:00 AM, he was assisting the then Sub-Inspector of police in the routine Patrol duty. At that time near Checkanurani Thevar Statute, they intercepted an auto driven by the accused Ravi and found four boxes containing 192 numbers of Express Brandy Bottles. The said accused stated that one Chinnan has illegally transported the said bottles. Immediately the said accused along with the said auto was brought to the police station. And based on the information, the accused Chinnan was enquired at his house in the presence of Village Administrative officer and Village Assistant and he was found in possession of Liquor bottles at his house. He was not aware, whether the Sub-Inspector of police took the said accused and seized any other properties. The Sub-Inspector of police seized the said bottles brought in the said auto vide seizure Mahazar and he along with PW1 signed in the same as witnesses.

The PW6 was cross examined by the defence side.

10. The **PW7** is namely Chinnan, who is the then Village Assistant of A.Kokkulam Village and Confession statement and seizure Mahazar witness and he has deposed that near Checkanurani Thevar Statute, the police seized the brandy bottles vide seizure Mahazar. He along with PW3 V.A.O signed in the same as witnesses. He was not aware from whom it was seized. And he was not aware whether anyone was enquired and statement was recorded in his presence. The said signature of him in the two confession statement and one seizure Mahazar is that of him and the same is marked as **Exp.P8, Exp.P9, Exp.P10.**

The PW7 was declared hostile and cross examined by the prosecution side.

11. The **PW8** is namely Ravi, who is the then Sub Inspector of police, Checkanurani PS and he has deposed that on 16/06/2013 at about 03:00 AM, he was attending routine patrol duty along with police parties near Checkanurani Thevar Statute. At that time, they intercepted an auto bearing Regn.No. TN-58-5432 and

seized four boxes containing 192 numbers of Express Brandy bottles vide seizure Mahazar from the accused namely Ravi and Chinnan, in the presence of PW1 and PW2. Based on the confession of the said accused Ravi, he seized the other case properties vide seizure Mahazar which was concealed by the accused namely Vayakkattusamy, Nagaraj, Murugan near one Singh's farmland near a pond shutter at Panniyaan Village . The said F.I.R is marked as **Exp.P11**. The said admitted Portion of the confession of the accused namely Ravi is marked as **Exp-P12**. Based on the confession of the accused A4-Ravi, 1167 numbers of Express Brandy bottles, 2,880 bottles of 100 ml Parachute brand coconut oil, 64 bottles of 200 ml Rin White, and 14 bottles of 500 ml Domex were seized vide seizure Mahazar. The said Seizure Mahazar is marked as **Exp-P13**. The said Atthatchi is marked as **Exp.P13**. The said Form-91 is marked as **Exp.P14**. The said properties are marked as **M.O.1 to M.O.6**. The PW8 further adduced that he subjected the accused Ravi and Chinnan to Judicial custody and placed the case file for the scrutiny of the then Inspector of police.

The PW8 was Cross examined by the defence side.

12. The **PW9** is namely Baskaran, who is the then Head Constable of Checkanurani PS and Seizure Mahazar witness and he has deposed that, on 01/07/2023, he along with PW2 - Police constable was assisting the then Inspector of police in routine patrol duty . The Inspector of police arrested the Accused namely Vayakkattusamy in connection with this case. The said accused identified the Grey colour Omni Car bearing Regn.No. TN-09-AD which was concealed by him near Soorampatti four ways, Erode District and the Inspector of police seized the said vehicle vide seizure Mahazar. The PW9 adduced that he along with PW2 signed in the same as witnesses.

The PW9 was cross examined by the defence side.

13. The **PW10** is namely Thilagarani, who is the present Inspector of Police , Checkanurani PS and additional witness examined by the prosecution in this case and she has deposed by perusing the records about the further investigation done by the

then Inspector of police, namely Sugumar and filing of final report by him. The said Form-95 is marked as **Exp.P15**. The said Alteration report is marked as **Exp.P16**.

The PW10 was cross examined by the defence side.

Questioning under section 313 of Crpc.

14. When the accused was questioned U/s.313 Cr. P. C pertaining to the incriminating evidence adduced against him, the accused denied the same as false. On the side of accused, no oral or documentary evidence was adduced.

The point for determination:

15. The point for determination is Whether the prosecution has proved charges against the Accused beyond reasonable doubt?

Rebuttal by defence:

16. It is one of the defence of the accused that the said occurrence as stated by the prosecution has not occurred at all. The defence has denied all the allegations levelled against the accused. While the defence has not adduced any evidence in this regard, it has relied on the cross-examination of the prosecution witnesses to demolish their credibility.

17. All witnesses are official witnesses and so their testimony is unreliable and untrustworthy. No independent witness was examined by the prosecution.

18. There was many contradictions between the testimony of prosecution witnesses regarding the nature of occurrence , place and time. The PW7 Seizure Mahazar witness has turned hostile to the prosecution. The alleged confession to the police officer is not valid in the eye of law and the said recovery is not proved according to law.

19. Most of the prosecution witnesses are police witness and so his testimony is untrustworthy and cannot be relied upon .

DISCUSSION, DECISION AND REASONS THEREOF

20. The prosecution has examined PW.1 to PW.10 and marked Exp-P1 to Exp-P16 is marked on their side. During the pendency of the trial, Accused Nos.4 and 6 died. Consequently, the criminal proceedings against them stood abated. The trial thereafter continued only against the remaining accused.

This Court has carefully considered the oral and documentary evidence adduced by the prosecution, the submissions advanced on either side and the entire materials available on record. It is a settled principle of criminal jurisprudence that the burden is always upon the prosecution to establish the guilt of the accused beyond all reasonable doubt and the accused is entitled to the benefit of every reasonable doubt arising from the evidence.

21. The prosecution case is that the accused persons committed theft of various articles including liquor bottles, coconut oil, Rin White and Domex from parked goods vehicles and subsequently concealed the stolen properties near the shutter of a water canal situated near Singuvayal Village. According to the prosecution, based on the interception of A4 and A5 while transporting 192 bottles of brandy in an auto, the remaining stolen properties were recovered on the basis of the confession statements of the accused.

22. At the outset, it is to be noted that no owner or representative of the alleged stolen properties has been examined before this Court. The prosecution has not examined any witness to establish from which goods vehicle the articles were allegedly stolen, who was in lawful possession of the articles, when the theft occurred or whether any complaint regarding theft was lodged by the owner. In the absence of such foundational evidence, the prosecution has failed to establish that the recovered articles were in fact stolen properties.

23. Though the prosecution has alleged commission of an offence under Section 379 IPC, no independent evidence has been produced to prove either the occurrence of theft or the involvement of the accused in committing such theft. Recovery of

certain articles alone, without proving that the articles were stolen and without establishing the nexus between the accused and the alleged theft, is wholly insufficient to sustain a conviction under Section 379 IPC.

24. The prosecution has mainly relied upon the alleged confession statements said to have been made by the accused before the police. It is well settled that a confession made to a police officer is inadmissible in evidence except to the limited extent permitted under Section 27 of the Indian Evidence Act relating to discovery of facts. Therefore, the entire confessional statements cannot be looked into and only that limited portion leading to discovery can be considered.

25. Even with regard to the alleged recovery, the prosecution has failed to inspire confidence. Though PW3, PW4 and PW5 have spoken about the alleged confession statements and recovery proceedings, their evidence is not consistent regarding the place of recovery, the sequence of events and the role attributed to each accused. These inconsistencies assume significance because the prosecution case substantially rests upon the alleged recovery.

26. Further, PW7, who is one of the attesting witnesses to the confession and seizure mahazars, has not supported the prosecution case. He has categorically stated that he was unaware from whom the articles were seized and whether any confession was recorded in his presence. He was declared hostile by the prosecution. Though the evidence of a hostile witness is not to be rejected in toto, his testimony considerably weakens the prosecution version regarding the manner in which the alleged recovery was effected.

27. The prosecution has not examined any independent witness from the locality where the alleged concealment and recovery were made. The place of recovery is stated to be near agricultural lands and a canal shutter. Nothing prevented the investigating officer from securing respectable independent witnesses from the locality. The explanation for such omission is conspicuously absent. Though evidence of police officials cannot be rejected merely because they are official witnesses,

where the prosecution case is based almost entirely upon police witnesses and the recovery is seriously disputed, absence of independent corroboration assumes considerable importance.

28. The evidence of PW1, PW6 and PW8 regarding the interception of the auto also does not completely corroborate each other on material particulars. While there are discrepancies regarding the seizure proceedings and the subsequent recovery of other articles, the prosecution has not satisfactorily explained these inconsistencies. Such contradictions create doubt regarding the truthfulness of the prosecution version.

29. The prosecution has also failed to establish a proper chain of custody of the seized articles. Though Form-91 and Form-95 have been marked, there is no satisfactory evidence demonstrating safe custody of the properties from the date of seizure till their production before Court. The prosecution has also not examined any witness to identify the seized properties as those allegedly stolen from any particular vehicle.

30. It is further noticed that the prosecution has not produced any convincing evidence to establish the ingredients of Section 4(1)(aaa) of the Tamil Nadu Prohibition Act. Mere possession or transportation of liquor bottles, without establishing that the possession was unauthorised in the manner contemplated under the Act and without satisfactory proof connecting the accused with the alleged illicit transportation, would not be sufficient to record a conviction.

31. The defence has pointed out several contradictions and inconsistencies in the prosecution evidence. Though no defence evidence has been adduced, it is well settled that the accused is not required to prove his innocence. The burden never shifts from the prosecution. If the evidence adduced by the prosecution itself creates a reasonable doubt, the accused is entitled to the benefit of such doubt.

32. The omission to examine material witnesses, particularly the owners or custodians of the allegedly stolen properties, assumes great significance. Such

witnesses alone could have spoken about the theft, ownership and identification of the recovered properties. Their non-examination creates a serious gap in the prosecution case and an adverse inference can legitimately be drawn against the prosecution.

33. The recovery of articles allegedly pursuant to the confession statements of the accused cannot, by itself, conclusively establish their guilt in the absence of independent evidence connecting them with the commission of theft. The prosecution has not established an uninterrupted chain of circumstances pointing only towards the guilt of the accused and excluding every hypothesis consistent with innocence.

34. This Court is conscious of the principle that minor discrepancies which do not affect the substratum of the prosecution case may be ignored. However, the inconsistencies noticed in the present case relate to the very genesis of the prosecution story, the recovery proceedings and the identity of the alleged stolen properties. These are not trivial discrepancies but material infirmities going to the root of the prosecution case.

This Court finds that the omission to frame a formal charge has not occasioned any failure of justice or caused prejudice to the accused. In view of Section 464 Cr.P.C., the said omission does not vitiate the proceedings.

35. During the pendency of the trial, Accused Nos.4 and 6 died. Consequently, the criminal proceedings against them stood abated. The trial thereafter continued only against the remaining accused. In the above circumstances this court comes to conclusion that **the accused A1 to A3 and A5 found not guilty for the offence under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act and Section 379 IPC, read with Section 41(ii) and Section 102 CrPC.**

36. In the result **the accused A1 to A3 and A5 found not guilty for the offence under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act and Section 379 IPC, read with Section 41(ii) and Section 102 CrPC and Acquitted in exercising of powers under Section 248 (1) of the Cr.P.C and all the accused are**

set at Liberty. The bail bond executed by the accused shall remain in force for the period of six months from today under section 437- A Cr. P.C.

i) The case property in **RPR.No.122/2013**, dated 27.06.2013, which are the 1) Item No.1 – Express special brandy 180 ml with label, total 152 bottles, 2) Item No.2 – Separate 15 bottles, totally=1167 bottles. 3) Item No.3 Parachute coconut oil 100ml 20 box X 144 = 2880 bottles. 4) Item No.4 – Rin white 200ml 64 bottles 5) Domex 500ml 14 bottles 6) Item No.5, The Express brandy 4 pocket 180 ml with label totally 48X4=192 bottles. is already ordered to be destroyed as per office order in A.No.31/2024, dated 11.06.2024.

ii) The Auto bearing registration number TN58 M 5432, Engine No.AEMBMJ84982, Chasis No.MD2AA24ZZMWJ 00879.is already handed over in Cr.M.P.No.2984/2013, dated 05.07.2013 to the defacto-complainant as interim custody and he shall keep the same after the lapse of the appeal period.

iii) **The case property in RPR.No.237/2013, dated 27.08.2013**, which are the 1) Item No.1 – TN-09 AD – 0142 Maruti Omni Car Grey colour-1, Chasis No.ST91IN579580, Engine No.F8BIN2491315 is ordered to be handed over to the claimant, if any after the lapse of appeal period. If there is no claimant, the said property shall be confiscated to the Government.

//Dictated to Steno-typist and typed by him in computer and corrected by me and pronounced in open Court on this the 30th day of July' 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-**Prosecution side witnesses:-**

- 1) PW.1 — Tr.Palanichamy, (Complainant, Eye witness)
- 2) PW2 — Tr.Mayakannan, (Eye witness)
- 3) PW3 — Tr.Sethuraman, (Eye witness)
- 4) PW4 — Tr.Sasikumar (Eye witness)
- 5) PW5— Tr.Periyakaruppan (Eye witness)
- 6) PW6 — Tr.Babugandhi (Police witness)
- 7) PW7 - Tr.Chinnan, (Eye witness)
- 8) PW8 - Tr.Ravi, (Police witness)
- 9) PW9 – Tr.Baskaran (Police witness)
- 10) PW10 – Tmt.Thilagarani (Police witness)

Prosecution side**Exhibits:**

- 1) Exp.P1 – Atthatchi is marked through PW1 on 10/12/2020
- 2) Exp.P2 – Atthatchi is marked through PW2 on 10/12/2020
- 3) Exp.P3 - The 1st Signature of PW3 in observation Mahazar marked through PW3 on 08/11/2021.
- 4) Exp.P4 – The 1st Signature of PW3 in observation Mahazar marked through PW3 on 08/11/2021.
- 5) Exp.P5 – The 1st Signature of PW3 in observation Mahazar marked through PW3 on 08/11/2021.
- 6) Exp.P6 – The Signature of PW4 in observation Mahazar marked through PW2 on 08/11/2021.
- 7) Exp.P7 — The Signature of PW5 in observation Mahazar marked through PW7 on 08/11/2021.
- 8) Exp.P8 – The Signature of PW7 in observation Mahazar marked through PW7 on 22/11/2021.
- 9) Exp.P9 – The Signature of PW7 in observation Mahazar marked through PW7 on 22/11/2021.

- 10) Exp.P10 –The Signature of PW7 in observation Mahazar marked through PW7 on 22/11/2021.
- 11) Exp.P11 — The FIR is marked through PW8 on 22/11/2021.
- 12) Exp.P12 – The Portion is marked through PW8 on 22/11/2021.
- 13) Exp.P13 – Atthatchi is marked through PW8 on 22/11/2021
- 14) Exp.P14 – Form – 95 is marked through PW8 on 22/11/2021
- 15) Exp.P15 — Form – 95 is marked through PW8 on 22/11/2021
- 16) Exp.P16 – The alteration report is marked through PW8 on 08/07/2026.

Materials objects on the Prosecution Side and defense side:-

- 1) M.O.1 - Brandy bottles Nos.192
- 2) M.O.2 - Auto breating registration Number TN58 5432.
- 3) M.O.3 - Brandy bottles Nos.1167
- 4) M.O.4 - Coconut oil bottles - 2880
- 5) M.O.5 - Rin white bottles Nos.64.
- 6) M.O.6 - Domex bottles Nos.14

Defense side witnesses and exhibits:-

Nil

**Judicial Magistrate - II,
Usilampatti**

Note :

1. All the accused were in bail during trail.
2. No witness was held for more than 3 days for examination.
3. The Judgment of the case has been informed to the police.