



IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RANIPET

**Present: Tmt.A.DAOU DH AMMAL, B.A.,M.L.,
Assistant Sessions Judge/
Chief Judicial Magistrate, Ranipet**

Tuesday, the 14th day of July, 2026

**Sessions Case No.329/2023
(CNR.No.TNRP02-000125-2025)**

(PRC No.05/2023 of Judicial Magistrate No.II, Walajapet)

Name of Complainant	: Inspector of Police, Ranipet PEW Police Station, Crime No.515/2017
Name of Accused	: Amutha w/o.Kumar
Date of Commission of Offence	: 25.11.2017
Offence complained of	: u/s.4(1)(aaa), 4(1-A) TNP Act
Charge framed	: u/s.4(1)(aaa), 4(1-A) TNP Act
Plea of the Accused	: Not Guilty
Finding of the court	: Accused found not guilty u/s.4(1)(aaa), 4(1-A) TNP Act
Date of Judgment	: 14.07.2026
Sentence of Judgment	: In the result, Accused is found not guilty for the offences u/s.4(1)(aaa), 4(1-A) TNP Act and accordingly Accused is acquitted u/s 235(1) of Cr.P.C. The Material Objects M.O.1 is ordered to be destroyed after expiry of Appeal Period. The Bail Bond executed by the Accused shall stands cancelled, after expiry of Appeal period.
Prosecution conducted by	: Tmt.V.Ragini, Additional Public Prosecutor
Pleader for the Accused	: Tr.G.Sridharan



This Sessions Case came up for final hearing on 30.06.2026 before this court in the presence of Tmt.Ragini, Additional Public Prosecutor for State and Tr.G.Sridharan, Advocate for the Accused, on hearing the Arguments of both sides, upon perusal of the entire case records, and having stood over for consideration till this date, this Court delivered the following

JUDGEMENT

The Inspector of Police, Prohibition Enforcement Wing, Ranipet has laid a Final Report stating that on 25.11.2017 at about 12.00 hours, the Accused was found in possession of 105 litres of ID Arrack contained in three plastic covers at Govindacherikuppam Lake bund, Walajah. Each cover contained 35 litres of ID Arrack and on chemical analysis, the said ID Arrack was admixed with 6.4% of Atrophine, which is a poisonous substance, on consumption of which is likely to cause death or grievous hurt to the consumer. Thereby the Accused had committed an offence punishable u/s.4(1) (aaa), 4(1-A) of the Tamil Nadu Prohibition Act, 1937.

Cognizance:

2. On receiving the charge sheet, the Judicial Magistrate No.II, Walajapet, has taken up the case on file as P.R.C.No.05/2023.

Copies & Committal to Principal Sessions Court:

3. The learned Judicial Magistrate No.II, Walajapet, has furnished free copies of all the Prosecution documents on which the Prosecution proposed to rely upon to the Accused in compliance with Section 207 Cr.P.C. The learned Judicial Magistrate No.II, Walajapet, on consideration of the material available on records, has arrived at a conclusion that the offences are exclusively triable by the court of session and



S.C.No.329/2023

hence committed the case to the Principal Sessions Court, Vellore and it was taken on file as S.C.No.329/2023 under Section 209(a) of Cr.P.C. after giving due notice to the Additional Government Pleader and made over to Assistant Sessions Court, Ranipet as per the Proceedings in Dis.No.14860/2023 dated 13.10.2023. Further it has been transferred to the Chief Judicial Magistrate Court, Ranipet from Assistant Sessions Court, Ranipet in Dis.No.184/2025 dated 21.02.2025 as per the Proceedings of the Hon'ble Principal District Judge, Ranipet in Dis.No.669/2025/A dated 05.02.2025.

Appearance of Accused and Framing of charges:

4. Upon appearance of the Accused, this court on consideration of the materials available on records and after hearing the arguments of both sides, upon perusing the entire case records, framed charges against the Accused u/s.4(1) (aaa), 4(1-A) TNP Act.

Plea:

5. Charges framed u/s.4(1) (aaa), 4(1-A) TNP Act against the Accused, read over and explained to the Accused in Tamil. The Accused pleaded not guilty to the charge and claimed that the charge has to be tried.

Prosecution side evidence:

6. To substantiate the charges, the Prosecution has examined PW1 to PW6 as witnesses and exhibited Ex.P1 to Ex.P14 as documents. M.O.1 is marked on the side of the Prosecution.

Case of the Prosecution from the evidence of PW1 to PW6 in brief:

7. The case of the Prosecution is that PW1 Thiagarajan is the resident of Olugur village. PW1 knew Devaraj but he did not know the Accused. On one day in the year 2017, while PW1 and Devaraj went along the Govindacherikuppam Lake



bund, the Police had involved in raid and obtained the signatures of PW1 and Devaraj in certain papers to be witnesses. PW1 admitted his signature in the Confession Statement of Accused but the Confession Statement of the Accused was not recorded in the presence of PW1. The signature of PW1 in the Confession Statement of Accused is marked as **Ex.P1**. The Police did not seize anything in the presence of PW1 but obtained their signatures in Seizure Mahazar and Destruction Mahazar. The attesting signature of PW1 in the Seizure Mahazar and Destruction Mahazar are marked as **Ex.P2** and **Ex.P3** respectively. PW1 did not know anything about the case and the Police did not enquire PW1.

8. It is to be noted that PW2 Tr.Devaraj is the resident of Thalangai village. PW2 knew PW1 but did not know the Accused. On one day in the year 2017, while PW1 and PW2 went along the Govindacherikuppam Lake bund, the Police had involved in raid and obtained the signatures of PW1 and PW2 in certain papers to be witnesses. PW2 admitted his signature in the Confession Statement of Accused but the Confession Statement of the Accused was not recorded in the presence of PW2. The signature of PW2 in the Confession Statement of Accused is marked as **Ex.P4**. The Police did not seize anything in the presence of PW2 but obtained their signatures in Seizure Mahazar and Destruction Mahazar. The attesting Signature of PW2 in the Seizure Mahazar and Destruction Mahazar are marked as **Ex.P5** and **Ex.P6** respectively. PW2 did not know anything about the case and the Police did not enquire PW2.

9. It is to be noted that PW3 Tr.Ravichandran is the Head Constable of Prohibition Enforcement Wing, Ranipet. PW4 Tmt.Rumetha is the Head Constable of Prohibition Enforcement Wing, Ranipet. PW3 and PW4 had deposed that on



25.11.2017, PW3, PW4, Head Constables Lawrence, Ramabai, Tmt.Jayalakshmi, Sub Inspector went for Prohibition Raid along with the Inspector of Police to Govindacherikuppam Lake bund. On seeing the Police, the Accused who was present at Govindacherikuppam Lake bund attempted to ran away from that place but the Accused was caught hold by the Police and on enquiry, it was informed that the name of the Accused is Amudha. The Accused was found in possession of 105 litres of Country Arrack in 3 Plastic covers of 35 litres each. The Accused told that she had purchased the said Country Arrack from an unknown person at Iyyan Kandigai, Andhra for selling the same. The Inspector of Police arrested the Accused and the Accused had voluntarily confessed with regard to the commission of offence, which was recorded by the Inspector of Police, in the presence of witnesses Thiagarajan and Devaraj. The Inspector of Police had seized 105 litres of Country Arrack in 3 Plastic Covers from the Accused by preparing Seizure Mahazar in the presence of same witnesses. Thereafter, 500 ml of Country Arrack in 2 container bottles of 750 ml each was taken as sample and the remaining Country Arrack have been destroyed at the place of occurrence itself by preparing Destruction Mahazar in the presence of same witnesses. Thereafter, the Accused was brought to the Police Station along with the seized Country Arrack and registered a case against the Accused.

10. It is to be noted that PW5 Tmt.Jayalakshmi is the Sub Inspector of Police Prohibition Enforcement Wing Ranipet. On 25.11.2017 PW3, PW4, PW5, Head Constable Lawrence, Ramabai went for Prohibition raid along with Inspector of Police to Govindacherikuppam Lake bund. On seeing the Police, the Accused who was present at Govindacherikuppam Lake bund attempted to ran away from that place but the Accused was caught hold by the Police and on enquiry, it was informed



that the name of the Accused is Amudha. The Accused was found in possession of 105 litres of Country Arrack in 3 Plastic covers of 35 litres each. The Accused told that she had purchased the said Country Arrack from an unknown person at Iyyan Kandigai, Andhra for selling the same. The Inspector of Police arrested the Accused and the Accused had voluntarily confessed with regard to the commission of offence, which was recorded by the Inspector of Police, in the presence of witnesses Thiagarajan and Devaraj. The Inspector of Police had seized 105 litres of Country Arrack in 3 Plastic Covers from the Accused by preparing Seizure Mahazar in the presence of same witnesses. Thereafter, 500 ml of Country Arrack in 2 container bottles of 750 ml each was taken as sample and the remaining Country Arrack have been destroyed at the place of occurrence itself by preparing Destruction Mahazar in the presence of same witnesses. Thereafter, the Accused was brought to the Police Station along with the seized Country Arrack and registered a case against the Accused. The Admitted Portion of the Confession Statement of Accused is marked as **Ex.P7**. Seizure Mahazar is marked as **Ex.P8**. Destruction Mahazar is marked as **Ex.P9**. Sample of 500 ml of Country Arrack in two bottles each is marked as **M.O.1**.

11. It is to be noted that PW6 Tr.Subramani is the Inspector of Police Prohibition Enforcement Wing Ranipet. On 25.11.2017, PW3, PW4, PW5, Head Constable Lawrence, Ramabai went for Prohibition raid along with PW6 to Govindacherikuppam Tank bund. On seeing the Police, the Accused who was present at Govindacherikuppam Lake bund attempted to ran away from that place but the Accused was caught hold by the Police and on enquiry, it was informed that the name of the Accused is Amudha. The Accused was found in possession of 105 litres of Country Arrack in 3 Plastic covers of 35 litres each. The Accused told that she had



purchased the said Country Arrack from an unknown person at Iyyan Kandigai, Andhra for selling the same. PW6 arrested the Accused and the Accused had voluntarily confessed with regard to the commission of offence, which was recorded by PW6, in the presence of witnesses Thiyagarajan and Devaraj. PW6 had seized 105 litres of Country Arrack in 3 Plastic Covers from the Accused by preparing Seizure Mahazar in the presence of same witnesses. Thereafter, 500 ml of Country Arrack in 2 container bottles of 750 ml each was taken as sample and the remaining Country Arrack have been destroyed at the place of occurrence itself by preparing Destruction Mahazar in the presence of same witnesses. Thereafter, the Accused was brought to the Police Station along with the seized Country Arrack and registered a case against the Accused u/s.4 (1) (aaa), 4(1-A) TNP Act. PW6 had produced the seized case properties before the Judicial Magistrate Court by means of Form 91. Form 91 is marked as **Ex.P10**. First Information Report is marked as **Ex.P11**. Thereafter the samples of Country Arrack was sent for Forensic Analysis and received Forensic Report stating that the seized Arrack contains 6.4% of Atrophine which is a poisonous substance. Forensic Report is marked as **Ex.P12**. PW6 had obtained a Report from Dr.Sakthivel, Walajah Government Hospital with regard to the after effects in consuming the Country Arrack seized from the Accused in which it has been stated that the consumed person will get issues in the brain, respiratory problem, heart problem, restlessness, which may even lead to the death of the consumed person. Medical Report is marked as **Ex.P13**. Thereafter PW6 completed the investigation and on obtaining the DDP opinion, altered the offence from u/s.4 (1) (aaa), 4(1-A) TNP Act to u/s.4 (1) (aaa), 4(1-A) TNP Act, 328 IPC and laid Final Report against the Accused. Alteration Report is marked as **Ex.P14**.



Examination of Accused u/s.313(1) Cr.P.C:

12. When Accused is asked about the incriminating evidence appeared against her u/s.313(1)(b) Cr.P.C., she denied her complicity in this case.

Defence Evidence:

13. No oral and documentary evidence was adduced on the side of Accused.

Defence:

14. The learned Defence counsel has submitted that PW1 and PW2, being the attesting witnesses of Confession Statement, Seizure Mahazar and Destruction Mahazar, have been considered as Hostile witnesses on the side of Prosecution. On perusal of the evidence of PW1 and PW2, who are the material witnesses for the occurrence, being the attesting witnesses of Confession Statement, Seizure Mahazar and Destruction Mahazar have deposed in a hostile manner to the case of Prosecution and they did not support the case of the Prosecution in any manner.

15. The learned Defence counsel has submitted that the evidence of PW3 to PW5 creates a doubt whether the Accused have been involved in the occurrence at the time of occurrence as per the case of the Prosecution. Further the evidence of PW3, PW4 and PW5 are in contradiction to each other with regard to the aspect whether Observation Mahazar and Rough Sketch have been prepared at the place of occurrence and whether the 3 plastic covers in which Country Arrack was seized have been left at the place of occurrence itself as per the evidence of PW4 or it has been destroyed at the place of occurrence itself as per the evidence of PW3 and PW5. PW5 did not remember whether the fact of destruction of 3 plastic covers have been mentioned in the Destruction Mahazar. Further PW5 had admitted that it has been mentioned in the Arrest Memo that the Accused was in possession of 3 lorry tubes



containing 35 liters of Country Arrack each totalling to 105 liters but it was mistakenly mentioned in the Arrest Memo since the Accused was in possession of plastic covers only. Thus there is no material evidence or documentary evidence to connect the Accused with the alleged crime and the Prosecution has miserably failed to prove the case against the Accused and hence pray for Acquittal of the Accused.

Point for consideration:

16. Now the point that arise for determination is whether the Prosecution has proved the guilt against Accused punishable u/s.4(1) (aaa), 4(1-A) TNP Act beyond reasonable doubt? If so, what would be the sentence to be imposed upon the Accused.

Point:

17. It is pertinent to note that the case of the Prosecution is that on 25.11.2017 at about 12.00 hours, the Accused was found in possession of 105 litres of ID Arrack contained in three plastic covers at Govindacherikuppam Lake bund, Walajah. Each cover contained 35 litres of ID Arrack and on chemical analysis, the said ID Arrack was admixed with 6.4% of Atrophine, which is a poisonous substance, on consumption of which is likely to cause death or grievous hurt to the consumer. Thereby the Accused had committed an offence punishable U/s.4(1)(aaa), 4(1-A) of the Tamil Nadu Prohibition Act, 1937.

18. It is to be noted that PW1, the attesting witness of Confession Statement of Accused, Seizure Mahazar, Destruction Mahazar had deposed that he knew Devaraj but he did not know the Accused. On one day in the year 2017, while PW1 and Devaraj went along the Govindacherikuppam Lake bund, the Police had involved in raid and obtained the signatures of PW1 and Devaraj in certain papers to be witnesses. PW1 admitted his signature in the Confession Statement of Accused but



the Confession Statement of the Accused was not recorded in the presence of PW1. The signature of PW1 in the Confession Statement of Accused is marked as **Ex.P1**. The Police did not seize anything in the presence of PW1 but obtained their signatures in Seizure Mahazar and Destruction Mahazar. The attesting Signature of PW1 in the Seizure Mahazar and Destruction Mahazar are marked as **Ex.P2** and **Ex.P3** respectively. PW1 did not know anything about the case and the Police did not enquire PW1. Further PW2, the other attesting witness of Confession Statement of Accused, Seizure Mahazar, Destruction Mahazar had deposed that he knew PW1 but did not know the Accused. On one day in the year 2017, while PW1 and PW2 went along the Govindacherikuppam Lake bund, the Police had involved in raid and obtained the signatures of PW1 and PW2 in certain papers to be witnesses. PW2 admitted his signature in the Confession Statement of Accused but the Confession Statement of the Accused was not recorded in the presence of PW2. The signature of PW2 in the Confession Statement of Accused is marked as **Ex.P4**. The Police did not seize anything in the presence of PW2 but obtained their signatures in Seizure Mahazar and Destruction Mahazar. The attesting Signature of PW2 in the Seizure Mahazar and Destruction Mahazar are marked as **Ex.P5** and **Ex.P6** respectively. PW2 did not know anything about the case and the Police did not enquire PW2. It is to be noted that PW1 and PW2, being the attesting witness of Confession Statement of Accused, Seizure Mahazar, Destruction Mahazar have been considered as hostile witnesses on the side of Prosecution.

19. It is to be noted that PW3 and PW4 had deposed that on 25.11.2017, PW3, PW4, Head Constables Lawrence, Ramabai, Tmt.Jayalakshmi, Sub Inspector went for Prohibition Raid along with the Inspector of Police to Govindacherikuppam Lake



bund. On seeing the Police, the Accused who was present at Govindacherikuppam Lake bund attempted to ran away from that place but the Accused was caught hold by the Police and on enquiry, it was informed that the name of the Accused is Amudha. The Accused was found in possession of 105 litres of Country Arrack in 3 Plastic covers of 35 litres each. The Accused told that she had purchased the said Country Arrack from an unknown person at Iyyan Kandigai, Andhra for selling the same. The Inspector of Police arrested the Accused and the Accused had voluntarily confessed with regard to the commission of offence, which was recorded by the Inspector of Police, in the presence of witnesses Thiyagarajan and Devaraj. The Inspector of Police had seized 105 litres of Country Arrack in 3 Plastic Covers from the Accused by preparing Seizure Mahazar in the presence of same witnesses. Thereafter, 500 ml of Country Arrack in 2 container bottles of 750 ml each was taken as sample and the remaining Country Arrack have been destroyed at the place of occurrence itself by preparing Destruction Mahazar in the presence of same witnesses. Thereafter, the Accused was brought to the Police Station along with the seized Country Arrack and registered a case against the Accused.

20. It is to be noted that PW3 had deposed that Observation Mahazar and Rough Sketch with regard to the place of occurrence was not prepared by the Inspector. PW3 admitted that poisonous medicine bottle was not seized from the Accused in his presence. The 3 plastic covers which contained the Country Arrack was destroyed at the place of occurrence itself. The samples were not taken separately and individually from 3 plastic covers but were taken from the 3 plastic covers in common and preserved in two bottles. The Confession Statement, Seizure Mahazar, Destruction Mahazar, Form 91 have been prepared even before the registration of



First Information Report against Accused. It it to be noted that per contra, PW4 had deposed that PW4 was present at the place of occurrence while preparing Observation Mahazar and Rough Sketch but he did not remember the names of the person who had signed as attesting witnesses in the Observation Mahazar. The 3 plastic covers in which Country Arrack was seized have been left at the place of occurrence itself.

21. It it to be further noted that PW5 had deposed that the 3 plastic covers have been destroyed at the place of occurrence itself. Thus it is to be noted that the evidence of PW3, PW4 and PW5 are in contradiction to each other with regard to the aspect whether Observation Mahazar and Rough Sketch have been prepared at the place of occurrence and whether the 3 plastic covers in which Country Arrack was seized have been left at the place of occurrence itself as per the evidence of PW4 or it has been destroyed at the place of occurrence itself as per the evidence of PW3 and PW5. PW5 did not remember whether the fact of destruction of 3 plastic covers have been mentioned in the Destruction Mahazar. PW5 admitted that she was present at the time of arrest of the Accused and preparation of Arrest Memo of the Accused. PW5 had further admitted that it has been mentioned in the Arrest Memo that the Accused was in possession of 3 lorry tubes containing 35 liters of Country Arrack each totalling to 105 liters but it was mistakenly mentioned in the Arrest Memo since the Accused was in possession of plastic covers only. Thus the evidence of PW3 to PW5 creates a doubt over the case of Prosecution with regard to the fact whether the Accused really involved in the occurrence at the time of occurrence as per the case of the Prosecution. Furthermore, the doubt over the case of the Prosecution is further strengthened by the fact that PW1 and PW2, being the attesting witnesses of Confession Statement, Seizure Mahazar and Destruction Mahazar, have been



considered as Hostile witnesses on the side of Prosecution.

22. Therefore it is to be noted that on perusal of the evidence of PW1 and PW2, who are the material witnesses for the occurrence, being the attesting witnesses of Confession Statement, Seizure Mahazar and Destruction Mahazar have deposed in a hostile manner to the case of Prosecution and they did not support the case of the Prosecution in any manner. Further the evidence of PW3, PW4 and PW5 are in contradiction to each other with regard to the aspect whether Observation Mahazar and Rough Sketch have been prepared at the place of occurrence and whether the 3 plastic covers in which Country Arrack was seized have been left at the place of occurrence itself as per the evidence of PW4 or it has been destroyed at the place of occurrence itself as per the evidence of PW3 and PW5. PW5 did not remember whether the fact of destruction of 3 plastic covers have been mentioned in the Destruction Mahazar. Further PW5 had admitted that it has been mentioned in the Arrest Memo that the Accused was in possession of 3 lorry tubes containing 35 liters of Country Arrack each totalling to 105 liters but it was mistakenly mentioned in the Arrest Memo since the Accused was in possession of plastic covers only.

23. It is to be noted further that there is no material evidence or documentary evidence to connect the Accused with the alleged crime and the Prosecution has miserably failed to prove the case against the Accused. Thus the evidence of PW1 to PW6 creates a doubt over the case of Prosecution with regard to the fact whether the Accused involved in the occurrence at the time of occurrence as per the case of the Prosecution. Therefore on consolidation of all the facts stated supra, considering the evidence of PW1 to PW6, considering the fact of non availability of any material evidence or documentary evidence to connect the the Accused with the alleged crime,



it is very clearly seen that the Prosecution had failed to prove the case against the Accused beyond reasonable doubt, in which case benefit of doubt has to be given to the Accused.

24. In the result, Accused is found not guilty for the offences u/s.4 (1) (aaa), 4(1-A) TNP Act and accordingly Accused is acquitted u/s 235(1) of Cr.P.C. The Material Object M.O.1 is ordered to be destroyed after expiry of Appeal Period. The Bail Bond executed by the Accused shall stand cancelled, after expiry of Appeal Period.

Dictated to the Steno-Typist, typed by her in computer directly, corrected and pronounced by me in open court, this the 14th day of July, 2026.

Assistant Sessions Judge/
Chief Judicial Magistrate, Rani

Appendix

List of Prosecution Witnesses:

PW1 Tr.Thiyagarajan
PW2 Tr.Devaraj
PW3 Tr.Ravichandran
PW4 Tmt.Rumetha
PW5 Tmt.Jayalakshmi, Sub Inspector of Police
PW6 Tr.Subramani, Inspector of Police

List of Prosecution Exhibits:

Ex. P1	25.11.2017	Signature of PW1 in the Confession Statement
Ex. P2	25.11.2017	Attesting Signature of PW1 in the Seizure Mahazar

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Ex. P3	25.11.2017	Attesting Signature of PW1 in the Destruction Mahazar
Ex. P4	25.11.2017	Signature of PW2 in the Confession Statement
Ex. P5	25.11.2017	Attesting Signature of PW2 in the Seizure Mahazar
Ex. P6	25.11.2017	Attesting Signature of PW2 in the Destruction Mahazar
Ex. P7	25.11.2017	Admitted Portion of the Confession Statement
Ex.P8	25.11.2017	Seizure Mahazar
Ex.P9	25.11.2017	Destruction Mahazar
Ex.P10	25.11.2017	Form 91
Ex.P11	25.11.2017	First Information Report
Ex.P12	29.11.2017	Forensic Report
Ex.P13	04.12.2017	Medical Report
Ex.P14	25.11.2017	Alteration Report

List of Prosecution M.O.:

M.O.1 - Country Arrack in 2 bottles of 500 ml each

List of Defence Witness and Exhibits: NIL

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Chief Judicial Magistrate, Ranipet

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