

IN THE COURT OF THE JUDICIAL MAGISTRATE NO. I, METTUR

Present: N. Gopalakrishnan, B.Sc., B.L., Judicial Magistrate No. I, Mettur.

Thursday, the 5th day of March, 2026

CrI.M.P.No. 212 Of 2026

in

Crime No.255 of 2021 (CP.NO.71 of 2022)

State represented by the Inspector of Police,
Kolathur Police Station,
Mettur Taluk, Salem District.

Cr.No.255 of 2021 u/s 20(2) of COTP Act and Section 273 of IPC.

...Petitioner / Complainant

Vs.

1. Gurumoorthy, S/o. Shanmugampillai
2. Savaramdevasi, S/o. Rathnaram

...Respondent/Accused

This Petition filed under **Section 451 Cr.P.C. / 497 BNSS** seeking permission for sampling and destruction of banned Tobacco products on **03.03.2026** by the Police.

ORDER

1. This petition has been filed by the Investigating Officer seeking permission of this Court to draw representative samples and to destroy the seized banned tobacco products, namely

(1). HANS TOBACCO 1500 bundles

(2). VIMAL PAN MASALA 2000 bundles

(3). V1 TOBACCO 2000 bundles

2. It is stated in the petition that large quantities of **banned Tobacco products** have been seized and the same are perishable in nature. The continued storage of such contraband involves practical difficulty, health hazard and risk of pilferage. The petitioner therefore seeks permission to draw samples and destroy the remaining contraband.
3. This Court has perused the materials placed on record.
4. Our **Hon'ble High Court of Madras, by Circular in R.O.C.No.15488-A/2026/F1, P.Dis.No.17/2026 dated 18.02.2026**, has issued specific directions with regard to disposal of seized banned tobacco products
5. As per the said Circular:
 - i. The Investigating Officer shall take samples and file petitions before the Jurisdictional Magistrate under Section 451 Cr.P.C. / 497 BNSS for destruction of contraband.
 - ii. While disposing such petitions, the Magistrate shall take into consideration that the products are banned and perishable and orders must be passed forthwith to prevent illegal re-entry into the market.
 - iii. Responsibility for destruction shall be entrusted to the Investigating Officers.
 - iv. On destruction, a memo shall be filed mentioning the Crime Number, Court details, quantity destroyed, method of destruction, date and place of destruction, along with photo and video documentation and the names and signatures of officials and witnesses.

- v. A compliance report shall be filed before the Judicial Magistrate and recorded in the registers. Simultaneously, Station Property Registers shall also be updated.
- vi. Notice to the accused is not required for destruction of banned products; however, the Magistrate shall ensure that samples have been taken and retained for further procedure.

In view of the above binding directions of the Hon'ble High Court and considering the perishable nature of the seized articles, this Court is satisfied that it is a fit case to permit sampling and destruction. Hence, this Criminal Miscellaneous Petition is allowed on the following conditions:

- A) The Investigating Officer is permitted to draw representative samples from each variety/batch of seized banned tobacco products in the presence of independent witnesses.
- B) The samples along with its remainings shall be: Properly packed, sealed and labeled, Signed by the Investigating Officer and witnesses, Produced before this Court and preserved for evidentiary purposes,
- C) After verification by this Court, the **Station House Officer** concerned is directed to make the necessary arrangements **for photographs of the properties to be taken in colour from all possible directions**. The photographs so taken shall be produced in two prints and shall also be recorded and produced in the form of a CD, DVD, or Pen Drive. One print of the photographs shall be retained along with the Court records, and the other print shall be kept in the case diary maintained by the respondent.

- D) It is specifically directed to the **Head Clerk of this Court** to meticulously verify the photographs and compare them physically with the original property, exercising due care and caution. Furthermore, he or she is directed to make an endorsement and sign on the reverse side of the taken photographs, stating: "**compared and verified with original and it is true photograph of the property produced**" and such endorsement shall be counter-signed by the station house officer herein.
- E) It is further directed to the **Head Clerk of this Court** to prepare a "**Panchanama**" containing all identifying and specific details of the property, in **Judicial Form No. 82**, as per the Criminal Rules of Practice, 2019, and the same shall be annexed with the certified photographs.
- F) Forwarded to the appropriate laboratory, if required.
- G) **Once the above said process is completed, the Investigating Officer is permitted to destroy the remaining contraband in accordance with law, by taking into environmental hazard and other aspects, ensuring that the destruction is complete and irreversible.**
- H) *****The destruction shall be carried out under proper Photographs and Videographs.*****
- I) The Investigating Officer shall file *****a detailed destruction memo***** before this Court specifying: Crime Number, Court name, Description and total quantity seized, Quantity destroyed, Method of destruction, Date and place of destruction, Names and signatures of officials and witnesses, Photographs and videographs of the entire process.

- J) The compliance report shall be filed *****within 15 days***** from the date of destruction.
- K) The Station House Officer shall make necessary entries in the Station Property Register and produce proof of such entry before this Court.
- L) It is made clear that notice to the accused is dispensed with, in view of the Honble High Court Circular and the perishable and banned nature of the products.

Pronounced in open Court on this the **5th Day of March 2026.**

Sd/-N.Gopalakrishnan,
Judicial Magistrate No.I Mettur.