

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE  
UTHUKULI**

**Present :** Thiru. B.Dharaneether. B. A., L L M.,  
District Munsif cum Judicial Magistrate,  
Uthukuli.

**Dated :** Monday, the 30<sup>th</sup> day of March 2026

**S.T.C. No. 544 of 2024**

**(CNR No.TNTI23-002386-2024)**

State

rep. by Sub Inspector of Police,

Uthukuli Police Station

(Crime No.405 of 2024)

... Complainant

Vs.

Karthik

S/o. Manoharan

Age: 37 years

... Accused

This case having come up for final hearing on 26.03.2026 before this Court in the presence of Tmt. Hema, B.A., B.L., Assistant Public Prosecutor Grade I appearing for the State and advocate S.Dhanapal appearing for accused and upon perusing the entire materials available on record and having stood over for consideration, this Court delivers the following:

**JUDGMENT**

This case has been taken on file on the basis of the final report filed by the Sub Inspector of Police, Uthukuli Police Station in Crime No.405 of 2024 for the

offence punishable under Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

The brief case of the prosecution is that on 01.09.2024 at about 03.30 p.m., near Thoppu Restaurant backside area, within the jurisdiction of Uthukuli Police Station, the accused was found in possession of eight bottles of 180 ml “Honey Day” brandy allegedly kept for sale without Government permission and thereby committed the offence under Section 4(1)(C) of the Act.

On appearance of the accused, copies were furnished under Section 230 BNSS. The substance of accusation under Section 274 BNSS was explained to the accused. The accused denied the accusation and claimed to be tried.

In order to prove the case, the prosecution examined PW1 and marked Ex.P1 to Ex.P3 and M.O.1. PW1, the Head Constable, has deposed that on 01.09.2024, while on patrol duty along with police personnel, the accused was found standing with a nylon bag in a suspicious manner and on enquiry, eight bottles of 180 ml “Honey Day” brandy were seized from him. He has further spoken about the arrest of the accused, preparation of seizure mahazar, registration of FIR and filing of final report.

As per the prosecution case, eight bottles of 180 ml IMFL were seized from the accused. Thus, the total quantity comes to  $8 \times 180 \text{ ml} = 1440 \text{ ml}$ , which is 1.44 litres. It is also admitted in evidence that the seized liquor is an approved brand sold in TASMALC shops.

During cross-examination, PW1 has admitted that as per the Tamil Nadu Government Rules, a person is permitted to possess up to 4.5 litres of

brandy/whisky. Therefore, the quantity allegedly seized from the accused is well within the permissible limit. Mere possession of liquor within the permissible limit does not constitute an offence.

The allegation of the prosecution is that the accused kept the liquor for sale. However, no sale amount has been recovered from the accused. No purchaser has been examined. No independent witness has been examined to prove that the accused was selling or attempting to sell the liquor. There is absolutely no material to show that the accused was engaged in sale activity.

Though the occurrence is alleged to have taken place in a public place, no independent witness has been secured. The entire case rests upon official witnesses. While the evidence of official witnesses cannot be rejected solely on that ground, in the absence of corroborative material, the prosecution version becomes doubtful.

Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024 requires proof of possession for sale. In the present case, the prosecution has failed to prove that the possession was for sale. The essential ingredient of the offence is not established.

The burden lies entirely on the prosecution to prove the guilt of the accused beyond reasonable doubt. When the quantity seized is within permissible limits and there is no evidence of sale or intention to sell, the prosecution case cannot be sustained.

On careful appreciation of the entire evidence on record, this Court finds that the prosecution has failed to establish the offence under Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024 beyond reasonable doubt.

In the result, the accused Karthick is found not guilty and he is acquitted.

The bail bond, if any, shall stand cancelled and the sureties are discharged. The material objects are ordered to be confiscated to the State and destroyed as per rules after expiry of appeal period.

The case properties in P.R.No.95/2026 are ordered to be destroyed and the empty bottles shall be confiscated to State.

Directly typed by me in my official laptop and pronounced in open Court on this the 30<sup>th</sup> day of March, 2026.

**District Munsif cum Judicial Magistrate,  
Uthukuli.**

### APPENDIX

#### **I. LIST OF PROSECUTION WITNESSES**

<b>Sl. No.</b>	<b>Witness No.</b>	<b>Name</b>
1	PW1	Rangaraj, Head Constable

#### **II. LIST OF DEFENCE WITNESSES**

Nil

#### **III. LIST OF PROSECUTION DOCUMENTS**

<b>Sl. No.</b>	<b>Exhibit No.</b>	<b>Description</b>
1	Ex.P1	First Information Report
2	Ex.P2	Seizure Mahazar
3	Ex.P3	Form 91

#### **IV. LIST OF DEFENCE DOCUMENTS**

Nil

## V. LIST OF MATERIAL OBJECTS

Sl. No.	M.O. No.	Description
1	M.O.1	180 ml “Honey Day” Brandy bottles – 8

**District Munsif cum Judicial Magistrate,  
Uthukuli.**

### NOTE :

- 1) Accused acquitted
- 2) Result of this case informed to the concerned department.
- 3) Date of Judgment 30.03.2026
- 4) Date of Uploading 30.03.2026