

IN THE COURT OF JUDICIAL MAGISTRATE, TIRUKOILUR

**PRESENT: Thiru. E.PravinKumar, B.A.,B.L,
Judicial Magistrate, Tirukoilur**

Crl.M.P. 501 of 2026 in CR.No. 213/2026

Dated : 10th day of August 2026

State represented by,
The Sub-Inspector of Police,
Tirukoilur PS.
Crime No.213/2026

...Petitioner/Complainant

-Vs-

1. Neela, D/o. Krishnan

....Respondent /Accused

ORDER

1. In Tirukoilur Police Station, Cr.No.213/2026 U/s.24 (1), COTPA Act, the Investigation officer has filed this petition for destruction of seized contraband. In this case, **1. "HANS Packet – 120 pieces"**, were seized as property. The seized properties handed over this Court on 10.08.2026 and numbered as **C.P.No.179/2026**. The case pending in trial stage in Cr.No. 213/2026.

2. The Hon'ble High Court of Madras by order dated 01.09.2020 in Crl.R.C. 225/2020 issued certain directions as follow:

i. The respondents 1 and 2 shall remove the seized contraband from the petitioner's premises before 30.09.2020 and it is open to them to either destroy it in terms of the Circular dated 13.05.2017 issued by the Commissioner of Food Safety & Drug Administration, Chennai, or shift it to their own premises, if they so desire;

and / or

ii. The respondents 1 and 2 may, jointly or severally, make an application under Section 310 Cr.P.C. before the Judicial Magistrate No.II, Poonamallee, forthwith, for inspection of the premises and draw samples therefrom and take photographs. The samples so drawn shall be kept in

the property room of the Court of Judicial Magistrate No.II, Poonamallee, for the purpose of marking during the trial, either in the case initiated by the Food Safety officials or in the prosecution that is likely to be initiated by the police. The photographs and the samples can also be used as primary evidence in lieu of the whole contraband;

iii. The respondents 1 and 2 may, jointly or severally, make an application under Section 451 Cr.P.C. for destruction of the gutkha on the ground that it is a perishable item and that it is otherwise expedient to do so as it should not find its way illegally into the market for public consumption and after getting orders from the Magistrate, they may destroy the gutkha;

iv. It is made clear that the respondents 1 and 2, jointly and severally, may take any of the aforementioned routes, to remove the gutkha from the petitioner's godown and come what may, they shall hand over possession of the godown to the petitioner on or before 30.09.2020; and

v. The State of Tamil Nadu shall allocate sufficient funds for the Food Safety officials for expending on transport and destruction of unsafe foodstuffs that are seized by them"

3. Further Hon'ble High Court of Madras in R.O.C.No.15488-A/2026/F1, Dated 18.02.2026 has also given guidelines in destruction of contraband. Hence, considering the nature of the seized property and as per the above directions, this Court is inclined to allow this petition and the Investigation Officer is directed to take samples and photograph and video and destroy the property and submit the report immediately before this Court.

In the result, this petition is allowed

Sd/-E.Pravinkumar,B.A.,B.L.,
Judicial Magistrate,
Tirukoilur.