

In the Court of the Additional District Judge / Presiding Officer,

Special Court under Essential Commodities Act, Thanjavur.

Present:- **Thiru. G. Sundararajan, B.Sc., B.L.,**

Additional District Judge/ Presiding Officer.

Special Court under Essential Commodities Act, Thanjavur.

Saturday, the 18th day of April 2026

2057 Thiruvalluvarandu Parabava Year Chithirai Thingal 5th day

Calendar Case No.08/2026
(CNR.No.TNTJ010003912025)

State represented by the
Inspector of police,
Thanjavur Taluk police station,
in Cr.No.453/2007

---- Complainant.

...Vs...

Saroja, 30/2007,
W/o.Kannusamy,
Chaliyakkulakkarai,
Mariyamman Kovil, Thanjavur

--- Accused

Details of Case summary:-

1.	Name of the Police Station and the Crime number of the offence	:	State represented by the Inspector of police, Thanjavur Taluk police station, in Cr.No.453/2007
2.	Name of the	:	Saroja

	accused		
3.	Father/Husband's name of the accused	:	W/o.Kannusamy
4.	Occupation of the accused	:	Coolie
5.	Residence of the accused	:	Chaliyakkulakkarai, Mariyamman Kovil, Thanjavur
6.	Age of the accused	:	30/2007
7.	Date of occurrence	:	14.11.2007
8.	Date of complaint	:	14.11.2007
9.	The period of remand of the accused	:	14.11.2007 to 10.12.2007
10.	The date of committal of the case	:	Does not arise
11.	The date of Questioning of the accused u/s 230 of BNSS	:	03.03.2026, u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act.
12.	Date of examination of accused u/s 351(1) (b) of BNSS	:	08.04.2026
13.	Commencement of trial	:	23.03.2026
14.	Close of trial	:	15.04.2026
15.	Sentence or order	:	The accused is found not guilty u/s.20(i)(b) of the NDPS Act 1985 and hence, she is

			acquitted as per sec.271(1) of BNSS.	
16. Criminal Miscellaneous Petitions filed by the accused				
S.No	Petitions	CrI.M.P.No.	Date of Filing	Date & nature of Disposal
		----Nil---		
Date of examination in chief and cross examination of a witness:-				
	Name of the witnesses	Date of Chief examination	Date of cross examination	
PW1	Thiru.N.Padmanaban	23.03.2026	23.03.2026	
PW2	Thiru.Somasundaram	15.04.2026	15.04.2026	

This case was taken on file in this court on 20.01.2026 and came up before me for final hearing on 18.04.2026, in the presence of Thiru.N.Ranjith, Special Public Prosecutor for the Complainant and Thiru.M.Kumaravel, Advocate for the accused and upon hearing the arguments of both sides and on perusing the records and having stood over till this day this Court doth deliver the following:-

JUDGMENT

The Inspector of Police, Thanjavur Taluk Police station has laid a final report stating that on 14.11.2007 at 08.30 hours, the accused was found with

possession of 1.100 kgs of ganja on the eastern side of Sumthra erikkarai, Mariyamman Kovil without having any valid license or permission from the Government for selling. Therefore, the accused appears to have committed the offence punishable under Section **u/s.20(i)(b) of NDPS Act, 1985**.

2) The case was taken on file on 20.01.2026 by this Court and summon was issued to the accused for her appearance before this court. Accordingly, the accused appeared before this court, copies of all documents relied by the prosecution were furnished to the accused under Section 207 of Cr.P.C. freely.

3) Upon hearing the arguments, submission of both sides and upon consideration of records and documents, this court framed the charge against the accused under Section **u/s.20(i)(b) of NDPS Act, 1985**, the charge was read over and questioned to the accused and she was asked as to whether she pleads guilty of the offence charged or claimed to be tried. The accused pleaded not guilty and stated false case have been foisted against her. So, the prosecution was called upon to examine the witnesses and to produce the documents.

4) Accordingly, the prosecution has examined 2 witnesses as PW1 to PW2, produced 5 documents as Ex.P1 to Ex.P5 and no material objects were marked.

5) The Brief averments of the evidence of the prosecution witnesses as follows:-

The PW2 Thiru.Somasundaram, then Inspector of Police, Taluk Police Station, Thanjavur, stated that one Elangoven, Sub Inspector of police registered a case in Crime no.487/2007 u/s.20(i)(b) of NDPS Act and when the case was pending for investigation stage, the said Sub Inspector of police Elangoven was died and he known his signature and hence he was permitted to depose evidence of behalf of him and thus he deposes evidence based on records. That on 14.11.2007 when the Sub Inspector of Police Elangoven was in station at 8.30 A.M., and received secret information from his informant through phone, as ganja is possessed by one person on the eastern side of Sumuthakkarai eri, Mariyamman Kovil. On receipt of secret information, he reduced into writing in the General Diary and intimated the same to the Inspector of police and forwarded the written prior intimation through the

Head Constable Ravichandran , the **Ex.P1** is the prior intimation. After getting permission from his higher official, he went to the occurrence place along with his police parties Thiru.Ravichandran, Head Constable and Thiru.Pazhani Muruganantham, Head Constable with necessary instruments and went to the spot and mounted surveillance and found one female person was standing suspiciously, and he along with his police parties caught her and on enquiry, she spelled her name as Saroja with her address and the Sub Inspector of Police informed her as he got an information as she was in possession of ganja and also informed her about the right of the accused to be searched either before the Judicial Magistrate or Gazetted Officer, but the accused informed that the search can be conducted by the PW2 himself and he reduced the same in writing and served to the accused, the **Ex.P2** is the Search memo and obtained the signature of the accused and the witnesses. Then, the accused handed over a bundle from the saree fold it, on search of the bundle, which contained leaves, flower and seeds and found to be ganja. Then, he weighed the ganja in the electronic weighing machine and found it is 1.100 kilogram. About two 50 grams of ganja were taken as samples in a polythene cover for testing and wrapped with kakki cover and tied with thread and

obtained the signature of the accused and witnesses and put his signature with SHO seal. The balance ganja of 1.00 kgs was put in a same bag and wrapped with kakki cover and tied with thread and obtained the signature of the witnesses and put his signature with SHO seal. Then, he seized the sample ganja and the balance ganja under the Seizure mahazar **Ex.P3** in the presence of police witnesses and obtained the signature of the witnesses and the accused and put his signature. Then, the Sub Inspector of Police brought the accused along with the seized properties to the station at 11.00 hours and registered a case against the accused in Cr.No.487/2007, u/s.20(i)(b) of NDPS Act, the **Ex.P4** is the First Information Report. Then, he placed the case record to PW1 Thiru.Padmanaban, Inspector of Police.

6) The PW1 took the case for investigation subjected the sample ganja for chemical analysis to the Forensic lab, Thanjavur through Thiru.Annadurai, Head Constable as per the order of this Court. Then, he was transferred by leaving the case record to his successor.

7) The PW2 took the case for investigation on 05.04.2025 and examined the PW1 Thiru.Padmanaban, Inspector of Police and recorded his statement and then examined Thiru.Manisekaran who chemically analysed the sample

ganja and issued the chemical analysis report and recorded his statement, the **Ex.P5** the Chemical Analysis report. Then, after completing his investigation, laid a final report against the accused under **Sec.20(i)(b) of NDPS Act 1985**.

8) The incriminating portions found in the evidences adduced by the prosecution were explained to the accused in the proceedings under Section 351(1)(b) of BNSS and she denied the same and submitted as she has no witnesses on her side. Hence the defence side was closed.

9) Now the point for consideration in this case is as follows:-

Whether the prosecution has proved the charges framed against the accused under **Section 20(i)(b) of NDPS Act 1985 of NDPS Act, 1985** beyond all reasonable doubts.

10) It is the case of the prosecution that on 14.11.2007 at 08.30 hours, when the Sub Inspector of Police Thiru.Elangoven was in station received secret information from his informant as ganja is selling by one person on the eastern side of Sumthra erikkarai, Mariyamman Kovil. On receipt of secret information, he reduced into writing in the General Diary and intimated the same to the Inspector of Police and forwarded the written prior intimation through the Head Constable Ravichandran, the **Ex.P1** is the prior intimation.

After getting permission from his higher official, he went to the occurrence place along with his police parties Thiru.Ravichandran, Head Constable and Thiru.Pazhani Muruganantham, Head Constable with necessary instruments and went to the occurrence place and mounted surveillance and found the accused was standing in a suspicious manner he along with his police parties caught her, enquired the accused and seized the case properties, samples were taken, arrested the accused, brought her to the police station along with seized contraband and registered a case in Cr.No.487/2007, u/s 20(i)(b) of the NDPS Act 1985. The raiding officer had followed the mandatory provisions u/s.42(2), 50 of NDPS Act. The seized contraband was subjected for chemical analysis and found the seized property is ganja. Therefore, the accused is liable to be punished u/s.**20(i)(b) of NDPS Act, 1985.**

11) The learned counsel appearing for the accused would submit that the prosecution laid a false case against the accused and she did not possess any contraband as alleged by the prosecution.

12) The learned counsel for the accused would further submit that the raiding officer allegedly received the secret information while he was in station on 14.11.2007 at 8.30 A.M., and he intimated the secret information

received at 8.30 A.M., to the Inspector of Police vide Ex.P1 Prior intimation. But the seizure mahazar Ex.P3 showed that he seized the contraband from the accused at 8.30 hours at the occurrence place, how the receipt of secret information and the seizure of contraband would be at the same time which doubts over the prosecution case.

13) The learned counsel for the accused would further submit that the Ex.P3 Seizure mahazar did not contain the signature of the accused, which also creates doubts over the seizure of contraband from the accused.

14) The learned counsel for the accused would further submit that the case properties were seized on 14.11.2007, but produced before this court on 20.02.2008, with the delay of more than 3 months, the prosecution has not examined any witness to explain under whose custody the property was found available in the interregnum period, which also creates doubts over the prosecution case and hence, prayed to acquit the accused.

15) Heard the submission of both sides. Records perused. The prosecution to prove the case has examined 2 witnesses as PW1 and PW2, filed 5 documents as Ex.P1 to Ex.P5 and no material objects were marked. The PW1 Thiru.Padmanaban, Inspector of police, who has spoken about his

investigation and subjected the sample ganja for chemical analysis. The PW2 Thiru.Somasundaram, Inspector of Police has spoken about the receipt of secret information by the deceased Sub Inspector of Police Elangoven and his search and seizure of contraband and registration of First Information Report and part of his investigation and thereafter his continuation of his investigation and filing of final report.

16) On these evidences, it is seen that the raiding officer Thiru.Elangoven, Sub Inspector of Police who is now no more, the PW2 Thiru.Somasudaram, Inspector of Police after perusing the record deposed that the raiding officer Thiru.Elangoven, Sub Inspector of Police received secret information from his informant through phone on 14.11.2007 at 08.30 A.M., as ganja was possessed by one person on the eastern side of Sumthra erikkarai, Mariyamman Kovil. On receipt of secret information, he reduced into writing in the General Diary and intimated the same to the inspector of Police and forwarded the written prior intimation through the Head Constable Ravichandran, the **Ex.P1** is the prior intimation. So the Ex.P1 as well as evidence of PW2 disclosed that the raiding officer received the secret information on 14.11.2007 at 08.30 A.M., then the raiding officer went to the occurrence place and found the accused, enquired

her and after complying the provisions of Sec.50 of NDPS Act seized the contraband of ganja under the seizure mahazar Ex.P3 on 14.11.2007 at 8.30 A.M.,

17) It is also seen that the occurrence place Samuthirakkarai eri, Mariyamman Kovil is situated 7 kilometers away from the Taluk Police Station, Thanjavur. The raiding officer received the secret information at morning 8.30 hours and then he prepared written prior intimation and then went to the occurrence place and search the accused after complying the provisions u/s.50 of NDPS Act and thereafter seized the contraband ganja under Ex.P3 seizure mahazar if it is so the seizure of contraband from the accused at the occurrence place would not be possible at 08.30 A.M., But the seizure mahazar Ex.P3 prepared at the occurrence place shown that the contraband was seized from the accused on 14.11.2007 at 08.30 A.M., how can the receipt of secret information and the seizure of contraband would be at the same time of 08.30 A.M., and their was no explanation from the PW2 which doubts over the prosecution case.

18) Further, it is seen that the signature of the accused is not found in the Ex.P3 seizure mahazar. If really the properties were seized from the accused,

what prevented the PW1 to get the signature of the accused in the Ex.P3 seizure mahazar, which creates doubts over the possession and the recovery of contraband from the accused.

19) Further, it is seen that the case properties were alleged to be recovered from the accused on 14.07.2007, but produced before this court only on 20.02.2008, so there is a delay of more than 3 months in sending the case properties to the court and there was no explanation from the PW2 as to whom the seized properties left and who had the control over the seized properties.

20) In the case of **Valsala vs. State of Kerala (Reported in AIR 1994 SC 117)** Where the Honourable apex court held that delay of more than three months in sending seized article to the court and no evidence to show that article was sealed and kept in proper custody in police station is highly doubtful and conviction is not sustainable.

21) In this case also, there was delay of more than 3 months in sending the seized articles to the court and no evidence produced by the prosecution to prove that the article was sealed and kept in proper custody in police station.

22) Further, it is seen that the seized case property was not exhibited before this court during the trial and stated that the seized contraband were destroyed without order of this court. So, the prosecution without complying the sec.52(A) of NDPS Act disposed the property, which is against the provisions of sec.52(A) of NDPS Act. So, non production seized contraband during the course of trial is fatal to the prosecution case and further no independent witnesses were examined to prove the recovery of contraband from the accused.

23) In view of the above discussions, this court comes to the conclusion that the prosecution failed to prove the charges against the accused under sec.20(i)(b) of the NDPS Act 1985 beyond reasonable doubt by sufficient oral and documentary evidence and hence the accused is entitled for acquittal.

24) In the result, the accused is found not guilty u/s. **20(i)(b) of the NDPS Act 1985** and hence, she is acquitted as per sec.271(1) BNSS.

The case properties produced in NDCP.No.21/2008 are handed over to the safe custody of the police station but the police destroyed the property without the order of the court and the same is ordered to be entered in the

property register.

The Judgment was dictated to the Steno-typist, who directly typed into computer and printed out by him, corrected and pronounced by me in the open court, today, that is, **18th** day of **April 2026**.

Additional District Judge/Presiding Officer.
Special Court under E.C. Act, Thanjavur.

Witnesses examined on the side of the Prosecution:-

PW1	Thiru.Padmanaban	Inspector of Police
PW2	Thiru.Somasundaram	Inspector of Police

Exhibits marked on the side of the Prosecution:-

Ex.P1	14.11.2007	Prior intimation
Ex.P2	14.11.2007	Search memo
Ex.P3	14.11.2007	Seizure Mahazar
Ex.P4	14.11.2007	First Information Report
Ex.P5	11.03.2008	Chemical Analysis Report

Material Objects marked on the side of prosecution: Nil

Witness examined and Exhibit marked on the side of the Defence :- Nil.

Additional District Judge/Presiding Officer.
Special Court under E.C. Act, Thanjavur.

Draft / Fair Judgment
C.C.No.08/2026
Dated: 18.04.2026