

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.

Wednesday, the 25th day of March 2026.

2057 Thiruvalluvarandu Visuvavasu Year Panguni Thingal 26th day

Calendar Case No.69/2025
CNR.No.TNTJ010053092025

State represented by the
Inspector of police,
Devanampattinam police station,
in Cr.No.10/2025.

--- Complainant.

..vs..

1) Ramana, 23
S/o.Elangovan,
No.14 C East street, M Puthur,
Cuddalore.

2) Nivas, 23
S/o.Sivakumar,
No.100 Gandhi Nagar,
Semmandalam, Cuddalore.

3) Rajesh, 25
S/o.Gunasekar,
No.2 Thiruvandhipuram Main road,
New Vandipalayam, Cuddalore.

--- Accused A1 to A3

Details of Case summary:-

1.	Name of the Police Station and the Crime number of the offence	:	State represented by the Inspector of police, Devanampattinam police station, in Cr.No.10/2025
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2.	Name of the accused	:	1) Ramana, 2) Nivas 3) Rajesh
3.	Father/Husband's name of the accused	:	1) S/o.Elangovan 2) S/o.Sivakumar 3) S/o.Gunasekar
4.	Occupation of the accused	:	1) Coolie 2) Coolie 3) Coolie
5.	Residence of the accused	:	1) No.14 C East street, M Puthur, Cuddalore. 2) No.100 Gandhi Nagar, Semmandalam, Cuddalore. 3) No.2 Thiruvandhipuram Main road, New Vandipalayam, Cuddalore.
6.	Age of the accused	:	1) 23 2) 23 3) 25
7.	Date of occurrence	:	27.02.2025
8.	Date of complaint	:	27.02.2025
9.	The period of remand of the accused	:	A1 – 27.02.2025 to 07.06.2025 A2 – 27.02.2025 to 28.05.2025 A3 – 27.02.2025 to 05.05.2025
10.	The date of committal of the case	:	Does not arise
11.	The date of Questioning of the accused u/s 251 BNSS	:	16.07.2025, 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	:	06.02.2026

13.	Commencement of trial		04.08.2025	
14.	Close of trial		03.11.2025	
15.	Sentence or order	:	The accused A1 to A3 are found not guilty u/s.8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985 and hence they are acquitted as per sec.271(1) BNSS.	
16. Criminal Miscellaneous Petitions filed by the accused				
S.No	Petitions	CrI.M.P.No.	Date of Filing	Date & nature of Disposal
1	Bail petition	1615/2025	14.03.2025	19.03.2025, Dismissed
2	Bail petition	1926/2025	27.03.2025	01.04.2025, Allowed
3	Conidition modification petition	2752/2025	14.05.2025	16.05.2025, Partly allowed
4	Conidition modification petition	2756/2025	15.05.2025	19.05.2025, Partly allowed
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.Sureshkumar	04.08.2025	04.08.2025	
PW2	Thiru.Thambirajan	08.10.2025	08.10.2025	
PW3	Thiru.Subramaniyan	03.11.2025	03.11.2025	
PW4	Thiru.Muthukumar	04.02.2026	04.02.2026	

This case was taken on file in this court on 10.06.2025 and came up before me for final hearing on 11.03.2026, in the presence of Thiru.N.Ranjith, Special Public Prosecutor for the Complainant and Thiru.J.Manikandan, Advocate for the accused A1 and Thiru.P.Vijayakumar, Advocate for the accused A2 & A3, 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, Dhevanampattinam Police station has laid a final report stating that on 27.02.2025 at 10.00 hours, the accused A1 to A3 were found with possession of 1.200 kgs of ganja in a white colour bag near Valluvar burial ground, Dhevanampattinam without having any valid license or permission from the Government for selling. Therefore, the accused A1 to A3 appear to have committed the offence punishable under **Section 8(c) r/w sec.20(b)(ii)(B) of NDPS Act 1985.**

2) The case was taken on file on 10.06.2025 by this Court and summon was issued to the accused A1 to A3 for their appearance before this court. Accordingly, the accused A1 to A3 appeared before this court, copies of all documents relied by the prosecution were furnished to the accused A1 to A3 under Section 230 of BNSS 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 A1 to A3 under Section **8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985**, the charge was read over and questioned to the accused A1 to A3 and they were asked as to whether they plead guilty of the offence charged or claimed to be tried. The accused A1 to A3 pleaded not guilty and stated false case has been foisted against them. So, the prosecution was called upon to examine the witnesses and to produce the documents.

4) Accordingly, the prosecution has examined 4 witnesses as PW1 to PW4, produced 16 documents as Ex.P1 to Ex.P16 and material Objects MO.1 to MO3 were marked.

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

The PW3 Thiru.Subramaniyan, Sub Inspector of Police, Devanampattinam Police Station, received secret information from his informant through phone on 27.02.2025 at 10.00 hours as ganja is selling by three persons at Valluvar burial ground, they would be apprehended, if come. On receipt of secret information, he reduced into writing in the General Diary and intimated the same to the Inspector of police, the **Ex.P7** is the prior intimation. Then, he went to the occurrence place along with his

police parties PW1 Thiru.Sureshkumar, Head constable, PW2 Thiru.Thambirajan, Special Sub Inspector of Police and Thiru.Swaminathan, Head Constable with necessary instruments in their vehicles and they were in surveillance, at 11.00 hours and his informant identified three persons, on seeing the police parties, they tried to escape from the spot, then he along with his police team caught hold one person, but two persons escaped from the spot and on enquiry, he spelled his name as Ramana with his address and the escaped persons named as Nivas and Rajesh with their address. Then, he informed him as he got an information as he was in possession of Ganja for selling and wanted to be searched him and also informed him about the right of the accused A1 to be searched either before the Judicial Magistrate or Gazetted Officer, the **Ex.P1** is the Search memo and obtained the signature of the accused A1 and the police witnesses. but the accused A1 informed that the search can be conducted by PW3 himself and he reduced the same in writing and served to the accused A1, the **Ex.P2** is the Search consent letter and obtained the signature of the accused A1 and the police witnesses. Then, he searched the green colour bag possessed by the accused A1, which contained dried buds, flowers, seeds, leaves and he took a pinch of it and on smelling and found to be ganja. Further, in the same bag 20 small ganja plastic packets also found.

The 20 small plastic packets of ganja were mixed with the ganja in the bag. Then, he arrested the accused A1 stating the reason for having possession of ganja, the **Ex.P3** is the Arrest memo. Then, he weighed the ganja in the electronic weighing machine and found it is 1.200 kilograms. Then, he took the ganja from the white colour bag inside the yellow bag and tied with thread and put SHO seal and obtained the signatures of the accused A1 and the police witnesses and put his signature. Then, he seized the ganja in the presence of police witness under **Ex.P4** seizure mahazar. Then, the aforesaid occurrence was recorded in his mobile phone as audio video format by the PW2 Thiru.Thambiraj. Then, the accused A1 voluntarily confessed a statement in the presence of witnesses between 1.30 hours to 2.30 hours and recorded the same. Then at 15.00 hours, he brought the accused A1 along with the seized properties to the police station and registered a case in Cr.No.10/2025, u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act, the **Ex.P8** is the First Information Report. Then, he prepared a detailed report u/s.57 of NDPS Act, which is **Ex.P9** and sent the same to Inspector of Police. Then, he downloaded the video in the pendrive recorded by the PW2 Thiru.Thambirajan through Viji, mobile shop owner and obtained 63 BSA certificated, the **MO.3** is the pendrive. The **Ex.P10** is the u/s.63 BSA Certificate. (The video footage was displayed in the open court and

identified the presence of the accused A1 in the video.) Then, he placed the case records to PW4 Thiru.Muthukumar, Inspector of police for further investigation.

6) The PW4 continued the investigation, went to the occurrence place prepared Observation mahazar **Ex.P5** and Rough Sketch **Ex.P11** in the presence of police witnesses. Then, he examined PW1 Thiru.Sureshkumar, PW2 Thiru.Thambirajan, PW3 Thiru.Subramanian, Thiru.Swaminathan and recorded their statements. Then, he sent the accused A1 for remand. Then, he prepared a inventory list of the seized ganja plants and filed a petition u/s.52(A) of NDPS Act before the Judicial Magistrate No.3, Cuddalore for drawing of sample, the **Ex.P12** is the inventory form. Then, he was drawn two 50 grams of sample ganja from the seized ganja before the Magistrate and wrapped with kakki cover and gave S1, S2 mark and put SHO seal and obtained the certificate from the Magistrate, the **Ex.P13** is the certificate of sampling. Then, he took a photograph of the sample ganjas and balance ganja before the Magistrate, the **Ex.P14** is the photograph. Then, the Judicial Magistrate issued the **Ex.P15** certificate u/s.52(A)(3) of NDPS Act. Then, he handed over the Sample ganja S1 and balance ganja to District mulkana. Then, he subjected the sample ganja S2 to the Forensic Lab, Viluppuram for chemical analysis through Judicial magistrate through PW1

Thiru.Sureshkumar, Head constable. Based on the confession statement of the accused A1 and on search of the absconding accused A2 & A3 and arrested the accused A3 Rajesh in his house at Pugaivandipalayam on 17.03.2025 at 12.45 hours. Then, the accused A3 voluntarily confessed a statement in the presence of witnesses and recorded the same. Then, he examined Thiru.Sureshkumar and Prakash and recorded their statements. Then, he effected formal arrest of the accused A2 Prakash in the judicial custody and remanded him in this case. Then, he examined Viji and Tmt.Rosemani, Assistant Director, Forensic lab, Vilupuram and recorded their statements and obtained the chemical analysis report **Ex.P16**. Then, after completing his investigation laid a final report against the accused A1 to A3 under **Sec.8(c) r/w 20(b)(ii)(B) of NDPS Act 1985**.

7) The incriminating portions found in the evidences adduced by the prosecution were explained to the accused A1 to A3 in the proceedings under Section 351(1)(b) of BNSS and they denied the same and submitted as they have no witnesses on their side. Hence the defence side was closed.

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

Whether the prosecution has proved the charge framed against the accused A1 to A3 under Section **8(c) r/w Section 20(b)(ii)(B) of the NDPS Act 1985** beyond all reasonable doubts.

9) It is the case of the prosecution, that on 27.02.2025 at 10.00 A.M., the PW3 Thiru.Subramanian, Sub Inspector of Police received secret information from his informant through phone as ganja is selling by three persons at Valluvar burial ground. On receipt of secret information, he reduced into writing in the general diary and intimated to PW4. After getting permission, he formed a police team consisting of PW1 Thiru.Sureshkumar, Head constable, PW2 Thiru.Thambirajan, Special Sub Inspector of Police and Thiru.Swaminathan, Head Constable and went to the spot along with his police team and they were in surveillance and his informant identified the accused A1 to A3, on seeing the police parties, they tried to escape from the spot, but the police team caught hold the accused A1, but the accused A2 & A3 were escaped from ths spot, enquired the accused A1 and searched him and seized the case properties, arrested the accused A1, brought him to the police station and registered a case in Cr.No.10/2025, u/s.8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985. The PW3 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 A1 to A3 are liable to be punished **u/s.8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985.**

10) The learned counsel appearing for the accused A1 to A3 would submit that the prosecution laid a false case against the accused A1 to A3 and they did not possess any contraband as alleged by the prosecution.

11) The learned counsel for the accused A1 to A3 would further submit that the PW3 failed to comply the provision as stipulated u/s.42(2) of NDPS Act, though the PW3 stated that prior intimation was sent to his higher official, vide Ex.P7 but there was no endorsement to show that the Ex.P7 was received by his higher official and hence, the PW3 had not complied the mandatory provision u/s.42(2) of NDPS Act.

12) The learned counsel for the accused A1 to A3 would further submit that the 20 ganja packets seized at the occurrence place found crime number and section of law, how the crime number and section of law came into existence in the ganja packets of 20 numbers at the occurrence place before the registration of FIR, which creates doubts over the prosecution case.

13) The learned counsel for the accused A1 to A3 would further submit that the prosecution alleged that the accused possessed ganja in a green colour bag, but the said green colour bag was not seized under the seizure mahazar at the occurrence place and thus, the recovery of contrband from the accused A1 not proved by the prosecution and prayed to acquit the

accused A1 to A3.

14) Heard the submission of both sides. Records perused. The prosecution to prove the case has examined 4 witnesses as PW1 to PW4, filed 16 documents as Ex.P1 to Ex.P16 and MO1 to MO.3 were marked. Among them, the PW1 Thiru.Sureahkumar, Head constable and PW2 Thiru.Thambirajan, Special Sub Inspector of police who are the members of raiding team have spoken about the occurrence, Seizure of the contraband and the arrest of the accused A1. The PW3 Thiru.Subramanian, Sub Inspector of police who is the raiding officer has spoken about the receipt of secret information, arrest, seizure of contraband, preparation of seizure mahazar and registration of First Information Report and part of his investigation. The PW4 Thiru.Muthukumar, Inspector of police has spoken about his further investigation, receipt of Chemical analysis report and filing of final report.

15) On these evidences, the PW2 is a raiding officer, who in his evidence stated that he received secret information from his informant through phone on 27.02.2025 at 10.00 hours as ganja is selling by three persons at Valluvar burial ground, they would be apprehended, if come. On receipt of secret information, he reduced into writing in the General Diary and intimated the same to PW4 Inspector of police, the **Ex.P7** is the prior

intimation. On perusal of the Ex.P7, there was no endorsement to show that it was sent to PW4 Inspector of police and the same was acknowledged by him and no endorsement to that effect in Ex.P7. The PW4 also admitted in his cross examination as முன் அனுமதி கடிதத்தை நான் பெற்றுக்கொண்டதற்கான எந்த ஒப்புக்கையும் செய்யவில்லை என்றால் சரிதான். So, the PW4 has not acknowledged the prior intimation Ex.P7. The section 42(2) of NDPS Act mandates that any information takes down by the raiding officer shall send a copy thereof to his immediate superior officer, but in this case, the PW3 though stated that he intimated to the secret information to the PW4 Inspector of police vide Ex.P7, but the Ex.P7 did not reveal that the same was sent to his higher official and no endorsement in it. So, the PW3 has not properly complied the provision as mandated u/s.42(2) of NDPS Act, which is fatal to the prosecution case.

16) The further evidence of PW3 disclosed that he searched the green colour bag and found ganja along with 20 Nos. small packets of ganja and he mixed the 20 small ganja packets with the ganja in the green colour bag, but the seized 20 small ganja packets at the occurrence place are found with crime number and section of law, the PW1 Thiru.Sureshkumar, Head constable who associated with the raiding officer PW3 admitted in his cross examination as சம்பவ இடத்தில் தான் சிறு சிறு பாவிதீன் கவர்கள் 20

எண்ணிக்கைகள் மற்றும் பச்சை நிற பாலிதீன் பைகளை கைப்பற்றினோம். சம்பவ இடத்தில் கைப்பற்றப்பட்ட பாலிதீன் பையில் குற்ற எண், சட்டப்பிரிவுகள் குறிப்பிடப்பட்டுள்ளது என்றால் சரிதான்.....கைப்பற்றுதல் மகஜரில் பச்சைநிற பாலிதீன் கவரை கைப்பற்றப்பட்டதாக குறிப்பிடவில்லை என்றால் சரிதான். So, the mentioning of crime number and section of law at the occurrence place in the seized 20 polythene packets at the occurrence place before the registration of FIR, creates doubts over the prosecution case. Further, the alleged green colour bag, which contained the ganja was not seized under the seizure mahazar at the occurrence place and thus, the recovery of contrband from the accused A1 not proved by the prosecution.

17) In view of the above discussions, this court comes to the conclusion that the prosecution failed to prove the charges against the accused A1 to A3 under sec.8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985 beyond reasonable doubt by sufficient oral and documentary evidence, and hence the accused A1 to A3 are entitled for acquittal.

26) In the result, the accused A1 to A3 are found not guilty u/s. **8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985** and hence, they are acquitted as per sec.271(1) BNSS.

The case properties MO.1 & MO2 produced in NDCP.No.18/2025 are ordered to be destroyed the expiry of appeal time. The MO.3 pendrive is ordered to be kept in the case bundle.

The Judgment was dictated to the Steno-typist, who directly typed into computer and printed out by her, corrected and pronounced by me in the open court, today, that is, 25th day of **March 2026**.

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

Witnesses examined on the side of the Prosecution:-

PW1	Thiru.Sureshkumar	Head constable
PW2	Thiru.Thambirajan	Special Sub Inspector of Police
PW3	Thiru.Subramaniyan	Sub Inspector of Police
PW4	Thiru.Muthukumar	Inspector of police

Exhibits marked on the side of the Prosecution:-

Ex.P1	27.02.2025	Search memo
Ex.P2	27.02.2025	Search consent letter
Ex.P3	27.02.2025	Arrest memo
Ex.P4	27.02.2025	Seizure mahazar
Ex.P5	27.02.2025	Observation mahazar
Ex.P6	--	Sec.63(4) BSA certificate
Ex.P7	27.02.2025	Prior intimation
Ex.P8	27.02.2025	First Information Report
Ex.P9	27.02.2025	Special Report u/s.57 of NDPS Act

Ex.P10	10.05.2025	Sec.63 BSA certificate
Ex.P11	--	Rough Sketch
Ex.P12	28.02.2025	Inventory form
Ex.P13	28.02.2025	Certificate of sampling
Ex.P14	--	Photographs of the seized contraband
Ex.P15	28.02.2025	Certificate
Ex.P16	27.03.2025	Chemical analysis report

Material Objects marked on the side of prosecution:

MO1	Small 20 polythene packets
MO2	Green colour polythene bag
MO3	Pen drive

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
CC.No.69/2025
dated 25.03.2026