

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 11th day of March 2026.**

2057 Thiruvalluvarandu Visuvavasu Year Masi Thingal 27<sup>th</sup> day

**Calendar Case No.66/2024**  
**CNR.No.TNTJ010036692025**

State represented by the  
Inspector of police,  
Panruti police station,  
in Cr.No.138/2023.

--- Complainant.

..VS..

- 1) Nathees, 31  
S/o.Parameshwaran,  
Kodungulai veethi,  
Aliyavalai Post,  
Maruthangeni Taluk,  
Yazhpanam, Ilangi.  
Now at No.37 Nethaji street,  
Ayyappan Nagar, K.K. Nagar,  
Trichy.
- 2) **Madavan, 22**  
S/o.Sasikumar,  
No.A6/20 SLR Camp,  
Kottampattu, Trichy.  
**(The case has been split against  
the A2 in CC.30/2025)**
- 3) Sakthi,  
S/o.Virumandi @ Gopiraj,  
No.10 Devar street, K.K. nagar,

Iyyappanar street, Trichy.  
 4) Keerthi, 27  
 S/o.Gunasekaran,  
 No.10/42 Samiraj Nagar,  
 Amma Chatiram,  
 Thiruvaidaimarudhur Taluk,  
 Thanjavur District,  
 Now at No.113 Jayanthipuram,  
 Madurai.

--- Accused A1 to A4

<b>Details of Case summary:-</b>			
1.	Name of the Police Station and the Crime number of the offence	:	State represented by the Inspector of police, Panruti police station, in Cr.No.138/2023.
2.	Name of the accused	:	A1 - Nathees A2 - <b>Madavan</b> A3 - Sakthi A4 - Keerthi
3.	Father/Husband's name of the accused	:	A1 - S/o.Parameshwaran A2 - S/o.Sasikumar A3 - S/o.Virumandi @ Gopiraj, A4 - S/o.Gunasekaran
4.	Occupation of the accused	:	A1 - Labourer A2 – Labourer A3 – Labourer A4 – Labourer
5.	Residence of the accused	:	A1 - Kodungulai veethi, Aliyavalai Post, Maruthangeni Taluk, Yazhpanam, Ilangi. Now at No.37 Nethaji street, Ayyappan Nagar, K.K. Nagar, Trichy. A2 - S/o.Sasikumar, No.A6/20 SLR Camp, Kottampattu,

			Trichy. A3 - No.10 Devar street, K.K. nagar, Iyyappanar street, Trichy. A4 - No.10/42 Samiraj Nagar, Amma Chatiram, Thiruvudaimarudhur Taluk, Thanjavur District, Now at No.113 Jayanthipuram, Madurai.
6.	Age of the accused	:	A1 - 31/2023 A2 - 27/2023 A3 - - A4 - 38/2023
7.	Date of occurrence	:	26.02.2023
8.	Date of complaint	:	26.02.2023
9.	The period of remand of the accused	:	26.02.2023
10.	The date of committal of the case	:	Does not arise
11.	The date of Questioning of the accused u/s.251 of BNSS	:	05.05.2025, 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	:	09.03.2026
13.	Commencement of trial	:	04.02.2026
14.	Close of trial	:	04.03.2026
15.	Sentence or order	:	The accused A1, A3 & A4 are found not guilty u/s.8(c) r/w 20(b)(ii)(B), 25 of the

			NDPS Act 1985 and hence they are acquitted as per sec.271(1) BNSS.	
<b>16. Criminal Miscellaneous Petitions filed by the accused</b>				
<b>Sl. No</b>	<b>Petitions</b>	<b>CrI.M.P.No.</b>	<b>Date of Filing</b>	<b>Date &amp; nature of Disposal</b>
1	Bail petition	1678/2023	17.03.2023	23.03.2023, Dismissed
2	Bail petition	1822/2023	24.03.2023	30.03.2023, Allowed
3	Modification petition	2446/2023	20.04.2023	24.04.2023, Partly allowed
4	Modification petition	4184/2023	07.07.2023	12.07.2023, Partly allowed
<b>Date of examination in chief and cross examination of a witness:-</b>				
	<b>Name of the witnesses</b>	<b>Date of Chief examination</b>	<b>Date of cross examination</b>	
PW1	Thiru.Sivakumar	04.02.2026	04.02.2026	
PW2	Thiru.Parameshwara Padmanaban	16.02.2026	16.02.2026	
PW3	Thiru.A.Kannan	04.03.2026	04.03.2026	

This case was taken on file in this court on 29.05.2024 and came up before me for final hearing on 09.03.2026, in the presence of Thiru.N.Ranjith, Special Public Prosecutor for the Complainant and Tmt.P.Vimala, Advocate for the accused A1, Thiru.M.R.R.Sivasubramanian, Advocate for the accused A3 and

Thiru.K.Anbalagan, Advocate for the accused A4 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, Panruti Police station has laid a final report stating that the accused A3 Sakthi smuggled ganja of 16 kgs from Visakapattinam toll gate Andra state in the container lorry bearing Reg.No.TN.64-X-4925 driven by the accused A4 Keerthi. After that, the accused A1 to A3 conspired together near the Poonthamalli service road, Chennai and the accused A1 carried 9.9 kgs of ganja in his green and blue colour tralley suitcase and the accused A1 carried 5.850 kgs of ganja in a white colour gunny bag printed as VIP gold and both of them transported the ganja in the aforesaid suitcase and bag in a Toyoto Etios car bearing Reg.No.TN.45-PR-4995 on 26.02.2023 from Chennai to Kumbakonam and Trichy to sell the ganja for higher price and when they smuggled the ganja in the Chennai main road from Koliyanur to Panruti at Chithirachavadi bus stop, they were intercepted and arrested for smuggling of ganja without having any valid license or permission from the Government. Therefore, the accused A1 to A4 appear to have committed the offence punishable under Section **8(c) r/w sec.20(b)(ii)(B), 25 of NDPS Act 1985.**

2) The case was taken on file on 29.05.2024 by this Court and the summons were issued to the accused A1, A2 & A4 for their appearance before this court and the accused A3 is shown as absconding accused and hence, NBW was issued against the accused A3. On execution of NBW, the accused A3 was produced before this court. The accused A1 and A4 were present on summons, summon against A2 could not be served and hence, the case against the accused A2 is split up in CC.30/2025 and hence, the case is proceeded against the accused A1, A3,A4 alone, copies of all documents relied by the prosecution were furnished to the accused A1, A3,A4 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, A3,A4 under Section **8(c) r/w 20(b)(ii)(B), 25 of the NDPS Act 1985**, the charges were read over and questioned to the accused A1, A3,A4 and they were asked as to whether they plead guilty of the offence charged or claimed to be tried. The accused A1, A3,A4 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 3 witnesses as PW1 to PW3, produced 11 documents as Ex.P1 to Ex.P11 and material objects MO.1 to MO.6 were marked.

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

The PW2 Thiru.Parameshwara Padmanathan, Inspector of Police, Panruti police station received secret information on 26.02.2023 and went to occurrence place near the Chithiraichavadi bus stop, Chennai to Panruti main road along with police parties PW1 Thiru.Sivakumar, Sub Inspector of police, Thiru.Sabarinathan, Grade I police, Thiru.Neelakandan, Grade I police and Thiru.Karthikeyan, Grade I police and they were made vehicle check up at 13.14 hours and found one Toyoto Etios car bearing Reg.No.TN.45-BR-4595 came from the Koliyanur to Panruti direction and he intercepted and searched the car and found the person sitting next to the car seat had something in a white colour gunny bag under his leg and one person sitting in the back seat had a big suitcase and on enquiry, they spelled his name as Nathees, who is sitting on the back seat of the car is belongs to one Srilanka, who is the accused A1 and when he demanded for his passport, but he stated he has been staying at Trichy for 12 years. Then, he enquired the person, who was sitting in front seat of the car spelled his

name as Madhavan, belongs to Trichy and stayed at Refugees camp, who is the accused A2. The said persons tried escape from the car, but the police team caught hold them and he introduced himself and informed him as he got an information as they were in possession of Ganja for selling and wanted to search them and also informed them about the right of the accused A1 & A2 to be searched before the Gazetted Officer or before the Judicial Magistrate and he reduced the same in writing and served to the accused A1 & A2, the **Ex.P1** is the Search memo, but the accused A1 & A2 informed that the search can be conducted by the PW2 himself and he reduced the same in writing and obtained the signatures of the accused A1 & A2. Then, on enquiry, the accused A1 voluntarily confessed a statement in the presence of witnesses and recorded the same. Then, he searched the suitcase and found 10 kgs of ganja. Then, he searched the gunny bag possessed by the accused A2 and found 6 kgs of ganja. About two 50 grams of ganja were taken from the 10 kgs of ganja as samples for testing in polythene cover and wrapped with kakki cover and tied with thread and obtained the signatures of the accused A1 and the witnesses and put his signature with SHO seal. The balance ganja of 9.900 kgs was put in a polythene cover and wrapped with kakki cover and tied with thread and put SHO seal and obtained the signatures of the accused A1 and the witnesses

and put his signature with SHO seal. Then, he seized the sample ganja, balance ganja and blue green colour Tralley suitcase and the car under the seizure mahazar **Ex.P2** in the presence of witnesses. About two 50 grams of ganja were taken from the 6 kgs of ganja possessed by the accused A2 as samples for testing in polythene cover and wrapped with kakki cover and tied with thread and obtained the signatures of the accused A2 and the witnesses and put his signature with SHO seal. The balance ganja of 5.900 kgs was put in a polythene cover and wrapped with kakki cover and tied with thread and put SHO seal and obtained the signatures of the accused A2 and the witnesses and put his signature with SHO seal. Then, he seized the sample ganja, balance ganja and white colour gunny bag printed as VIP gold under the seizure mahazar **Ex.P3** in the presence of witnesses. Then, he brought the accused persons along with seized properties and handed over to PW3 Thiru.A.Kannan, Inspector of police for further investigation with special report **Ex.P4**.

6) The PW3 received the special report Ex.P4 from PW2 along with the accused and case properties and registered a case against the accused A1 to A4 in Cr.No.138/2023, u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act and sec.328 IPC, the **Ex.P5** is the First Information Report. Then, he went to the occurrence place, prepared observation mahazar **Ex.P6** and Rough

Sketch **Ex.P7** in the presence of witnesses. Then, he examined PW1 Thiru.Sivakumar, PW2 Thiru.Parameswara Padmanaban, Thiru.Pushparaj, Prabhu, Sabarinathan, Neelakandan, Karthikeyan and recorded their statements. Based on the confession statement of the accused A1, the PW3 arrested the accused A4 Keerthi near the Vellore town bus stand and on enquiry, the accused A4 voluntarily confessed a statement in the presence of witnesses Thiru.Thangavel and Tmt.Jothi and recorded the same. Then, he seized the Lorry bearing Reg.No.TN.64-X-4926, Lorry Tripsheet, Tax invoice 4 Nos. Piece of paper of Volta impex Pvt.Ltd and cash of Rs.2000/- under the seizure mahazar **Ex.P8** in the presence of witnesses. The lorry returned to its owner of the on interim custody and its photo is marked as **MO.1**, the **MO.2** is the lorry tripsheet, the **MO.3** is the tax invoice 4 Nos, the **MO4** is the piece of paper Volta impex Pvt.Ltd and the **MO.5** is the cash of Rs.2000/-. Then, he sent the accused for remand along with seized properties. Then, he examined Thiru.Thangavel and Tmt.Jothi and recorded their statements. Then, he subjected the sample ganja for chemical analysis to the Forensic Lab, Viluppuram through Thiru.Vasudevan, Special Sub Inspector of police as per order of this court. Then, he examined the driver of the Etios car bearing Reg.No.TN.45-BR-4595 Annadurai and his son Mohanraj and recorded their statements. Then, he examined the owner of

the lorry bearing Reg.No.TN.64-X-4926 Thiru.Selvaganapathi and recorded his statement. Then, he examined PW3 Thiru.Vasudevan, Special Sub Inspector of police and Tmt.Meenatchi, Junior Scientific Officer, Forensic Lab, Viluppuram and recorded their statements and obtained the **Ex.P9** is the Chemical Analysis report. The Etios car bearing Reg.No.TN.45-BR-4595 is returned to its owner on interim custody and its photo is marked as **MO.6**. Then, he perused the case records altered the section of law from sec.8(c),20(b)(ii)(B) of NDPS Act and sec.328 IPC to sec.8(c),20(b)(ii)(B), 25 of NDPS Act, the **Ex.P10** is the alteration report. Since, the accused A3 Sakthi is absconding and after completing his investigation, laid a final report against the accused A1 to A4 under **Sec.8(c) r/w 20(b)(ii)(B), 25 of NDPS Act 1985**. The contraband of ganja was disposed of u/s.52(A) of NDPS Act, the **Ex.P11** is the photo of the seized contraband.

7) The incriminating portions found in the evidences adduced by the prosecution were explained to the accused A1, A3 & A4 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, A3 & A4 under Section **8(c) r/w Section 20(b)(ii)(B), 25 of the NDPS Act 1985** beyond all reasonable doubts.

9) It is the case of the prosecution that on 26.02.2023, the PW2 Thiru.Parameswara Padmanaban, Sub Inspector of Police received secret information and went to the occurrence place along with police team PW1 Thiru.Sivakumar, Sub Inspector of police, Thiru.Sabarinathan, Grade I police, Thiru.Neelakandan, Grade I police and Thiru.Karthikeyan, Grade I police and they were made vehicle check up near the Chithiraichavadi bus stop on the Chennai to Panruti main road and found a car coming from Kolinur to Panruti and he intercepted and searched the car and found the accused A1 & A2 and on seeing the police parties, they tried to escape from the spot, but the police team caught hold them and, enquired the accused A1 & A2 and seized the case properties, samples were taken, arrested the accused A1 & A2, brought them to the police station and handed over the accused along with case properties with Ex.P4 Special Report to PW3. The PW3 on receipt of Ex.P4 special report and registered a case in Cr.No.138/2023, u/s.20(b)(ii)(B) of the NDPS Act 1985. Then, the PW3 arrested the accused A4 Keerthi and sent him to remand to the court. The

PW2 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, A3 & A4 are liable to be punished u/s.**8(c) r/w 20(b)(ii)(B), 25 of the NDPS Act 1985.**

10) The learned counsels appearing for the accused A1, A3 & A4 would submit that the prosecution laid a false case against the accused A1, A3 & A4 and they did not possess any contraband as alleged by the prosecution.

11) The learned counsel for the accused A1, A3 & A4 would further submit that though the PW2 stated that secret information was received from his informant, but he has not sent the intimation to his higher official as required u/s.42(2) of NDPS Act. So, the PW2 failed to comply the mandatory provision as stipulated u/s.42(2) of NDPS Act.

12) The learned counsel for the accused A1, A3 & A4 would further submit that the PW2 failed to comply the provision as stipulated u/s.50 of NDPS Act. As per sec.50(1) of NDPS Act, rights of the accused A1 & A2 must be individually informed. The Exp1 is the joint communication of the right may not be clear and it may create confusion and it should dilute their rights. So Sec.50 of NDPS Act not properly complied by PW2.

13) The learned counsel for the accused A1, A3 & A4 would further submit that the case properties were seized on 28.02.2023, but produced before this court on 15.03.2023, with the delay of 15 days, 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 prayed to acquit the accused A1, A3 & A4.

14) Heard the submission of both sides. Records perused. The prosecution to prove the case has examined 3 witnesses as PW1 to PW3, filed 11 documents as ExP1 to ExP11 and material object MO.1 to MO.6 were marked. Among them, the PW1 Thiru.Sivakumar, Sub Inspector of police, Traffic police station is the member of raiding team has spoken about the occurrence, Seizure of the contraband and the arrest of the accused A1 & A2. The PW2 Thiru.Parameswara Padmanaban, Inspector of police, Traffic police station, who is the raiding officer has spoken about the receipt of secret information, arrest, seizure of contraband and preparation of seizure mahazer and his special report Ex.P4 given to the PW3. The PW3 Thiru.A.Kannan, Inspector of police has spoken about the receipt of Special report from PW2, registration of First Information Report, investigation 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 on 26.02.2023 and went to occurrence place near the Chithiraichavadi bus stop, Chennai to Panruti main road along with police parties. It is seen that the PW2 has not taken down the prior intimation in writing and sent the same to his higher official. Absolutely there was no evidence or document about the receipt of secret information and sent the same to his higher official. At this juncture, it is appropriate to incorporate the provisions of sec.42(2) of NDPS Act.

**Sec.42(2) Where an officer takes down any information in writing under sub-section (1) or records grounds for his belief under the proviso thereto, he shall within seventy-two hours send a copy thereof to his immediate official superior.**

So, 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 PW2 has not taken down the secret information in writing and sent the same to his higher official. So, the PW2 has not properly complied the provision as mandated u/s. 42(2) of NDPS Act, which is fatal to the prosecution case.

16) The evidence of PW2 further disclosed that he informed to the accused A1 & A2 as he got an information as they were in possession of

Ganja for selling and wanted to search them and also informed them about the right of the accused A1 & A2 to be searched before the Gazetted Officer or before the Judicial Magistrate and he reduced the same in writing and served to the accused A1 & A2, the **Ex.P1** is the Search memo. The Ex.P1 is the alleged search notice and the consent letter of the accused A1 & A2. On perusal of the ExP1, it is a joint search memo as well as joint consent letter issued to the accused A1 & A2. In this aspect, it is necessary to find out whether the joint consent letter in respect to the communication of right available u/s.50(1) of NDPS Act is sufficient and valid in law. ***In the state of Rajasthan ..vs.. Parmanand and others reported in 2014 (5) SCC 335,*** where the Hon'ble Apex Court, held that a joint communication of the right may not be clear or unequivocal. It may create confusion. It may result in diluting the right and the accused must be individually informed as per sec.50(1) of NDPS Act. In view of the decision of the Hon'ble Apex court, informing the right available under NDPS Act jointly to the several accused is clear violation of sec. 50 (1) of NDPS Act. In this case, vide ExP1 jointly communicated the right available to the accused A1 & A2 and thereafter got their signatures from the accused A1 & A2 in a single consent letter, which is violation of mandatory provision u/s.50(1) of NDPS Act.

17) Further, it is seen that the case properties were alleged to be recovered from the accused on 28.02.2023, but produced before this court only on 15.03.2023, so there is a delay of 15 days in sending the case properties to the court and there was no explanation from the PW2 or PW3 to explain under whose custody the seized properties were left and who had the control over the seized properties.

18) In view of the above discussions, this court comes to the conclusion that the prosecution failed to prove the charges against the accused A1, A3 & A4 under sec.8(c) r/w 20(b)(ii)(B),25 of the NDPS Act 1985 beyond reasonable doubt by sufficient oral and documentary evidence and hence the accused A1, A3 & A4 are entitled for acquittal.

19) In the result, the accused A1, A3 & A4 are found not guilty u/s.**8(c) r/w 20(b)(ii)(B), 25 of the NDPS Act 1985** and hence, they are acquitted as per sec.271(1) BNSS.

The final order in respect of the case properties produced in NDCP.No.38/2023 is ordered to be passed in split case in CC.30/2025.

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, **11th 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.Sivakumar	Sub Inspector of police
PW2	Thiru.Parameshwara Padmanaban	Inspector of police
PW3	Thiru.A.Kannan	Inspector of police

**Exhibits marked on the side of the Prosecution:-**

Ex.P1	26.02.2023	Search memo
Ex.P2	26.02.2023	Seizure mahazar
Ex.P3	26.02.2023	Seizure mahazar
Ex.P4	26.02.2023	Special Report
Ex.P5	26.02.2023	First Information Report
Ex.P6	26.02.2023	Observation Mahazar
Ex.P7	26.02.2023	Rough Sketch
Ex.P8	26.02.2023	Seizure mahazar
Ex.P9	28.04.2023	Chemical analysis report
Ex.P10	21.02.2024	Alteration report
Ex.P11	--	Photograph of the seized contraband

**Material Objects marked on the side of prosecution:**

MO.1	Photo of Lorry bearing Reg.No.TN.64-X-4926
MO.2	Lorry Tripsheet
MO.3	Tax invoice 4 Nos.
MO.4	Piece of paper of Volta impex Pvt.Ltd
MO.5	Cash of Rs.2000/-
MO.6	Photo of Etios car bearing Reg.No.TN.45-BR-4595

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

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

