

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.

Thursday, the 02nd day of April 2026

2057 Thiruvalluvarandu Visvasuva Year Panguni Thingal 19th day

Calendar Case No.80/2025
CNR.No.TNTJ0100651552025

State represented by the
Inspector of police,
Nagapattinam NIBCID,
in Cr.No.24/2022.

--- Complainant.

..vs..

Jayanthan, 21/2022,
S/o.Nadimuthu,
Kacheri Street, Nannilam,
Thiruvarur District.

--- 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, Nagapattinam NIBCID, in Cr.No.24/2022.
2.	Name of the accused	:	Jayanthan
3.	Father/Husband's name of the accused	:	S/o.Nadimuthu,
4.	Occupation of the accused	:	Labourer
5.	Residence of the accused	:	Kacheri Street, Nannilam,

			Thiruvarur District.	
6.	Age of the accused	:	21/2022	
7.	Date of occurrence	:	22.12.2022	
8.	Date of complaint	:	22.12.2022	
9.	The period of remand of the accused	:	22.12.2022 to 27.01.2023	
10.	The date of committal of the case	:	Does not arise	
11.	The date of Questioning of the accused u/s 251 of BNSS	:	27.10.2025, 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	:	25.03.2026	
13.	Commencement of trial	:	27.11.2025	
14.	Close of trial	:	23.03.2026	
15.	Sentence or order	:	The accused is found not guilty u/s.8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985 and hence he 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
1	Bail petition	1227/2023	24.02.2023	03.03.2023, Allowed
2	Bail petition	356/2023	12.01.2025	23.01.2023, 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.K.Senthilkumar	27.11.2025	27.11.2025
PW2	Tmt.Anitha	28.01.2026	28.01.2026
PW3	Tmt.B.Prema	23.03.2026	23.03.2026

This case was taken on file in this court on 28.07.2025 and came up before me for final hearing on 01.04.2026 in the presence of Thiru.P.Stephan, Special Public Prosecutor appearing for the Complainant and Thiru.M.Kumaravel, Advocate appearing for the accused and upon hearing the arguments of both sides and on perusing the records and having stood over for consideration till this day, this court doth deliver the following.

JUDGMENT

The Inspector of Police, NIBCID, Nagapattinam has laid a final report stating that on 22.12.2022 at 13.00 A.M., the accused was found with the possession of 3.300 Kilo gram of ganja near Railway Gate, Kangalancheri without having any valid license or permission from the Government for selling. Therefore, the accused appears 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 28.07.2025 by this Court and summon was issued to the accused for his 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 **8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985**, the charge was read over and questioned to the accused and he was asked as to whether he pleads guilty of the offence charged or claimed to be tried. The accused pleaded not guilty and stated false case has been foisted against him. 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 9 documents as ExP1 to ExP9 and material objects MO1 to MO3 were marked.

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

PW2 Tmt.Anitha, Inspector of Police, Nagapattinam NIBCID received secret information from her informant through phone on

22.12.2022 at 11.00 A.M. as one known person is selling ganja near Railway Gate, Kangalancheri, he would be apprehended him, if come. On receipt of secret information, she reduced into writing in the General Diary and intimated the same to the Deputy Superintendent of police, the **Ex.P5** is the prior intimation. After getting permission from her higher official, she went to the occurrence place along with her police parties PW1 Thiru.K.Senthilkumar, Head constable and Thiru.Murugavel, Head Constable with necessary instruments in a government jeep and they were in surveillance near the Railway gate Kangalachery, his informant identified came and identified the person who was standing with white colour bag and on enquiry, he spelled his name as Jeyandhan with his address and she informed him as she got an information as he was in possession of Ganja for selling and wanted to search him and also informed him 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 she reduced the same in writing and served to the accused, the **Ex.P1** is the Search memo and obtained the signature of the accused. Then, she searched the white colour bag possessed by the accused and found polythene bag in it with ganja. Then, she weighed the ganja in the electronic weighing machine and found it is

3.300 kilo gram. Then, about two 50 grams of ganja were taken as samples for testing in polythene cover and wrapped with kakki cover and tied with thread and obtained the signature of the accused and the witnesses and put her signature with SHO seal, the **MO1 & MO2** are the sample ganjas. The balance ganja of 3 kilo 200 gram was put in the polythene cover and wrapped with kakki cover and tied with thread and affixed particulars and obtained the signature of the accused and the witnesses and put her signature with SHO seal, **MO3** is the balance ganja. Then, she seized the contraband under the Seizure mahazar **Ex.P3** and obtained the signature of the police witnesses and the accused. Then, she arrested the accused stating the reason for having possession of ganja, the **Ex.P2** is the arrest memo. Thereafter, the accused voluntarily confessed a statement in the presence of police witnesses and recorded the same. Then, she brought the accused along with the seized properties to the station and registered a case against the accused in Cr.No.24/2022, u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act, the **Ex.P6** is the First Information Report. Then, she went to the occurrence place at 16.30 hours and prepared observation mahazer **Ex.P4** and Rough Sketch **Ex.P7** in the presence of PW1 Senthilkumar and one Murugavel. Then, she examined the PW1 Thiru.Senthilkumar and Thiru.Murugavel and recorded their statements. Then, she sent the accused

for remand along with seized properties. Then, she prepared a detailed report u/s.57 of NDPS Act and sent the same to the Deputy Superintendent of police, which is **Ex.P8**. Then, she was transferred and placed the case records to Thiru.Ramesh, Inspector of police for further investigation.

6) The Inspector of police Thiru.Ramesh was transferred and he was on special Election duty and hence, the present Inspector of NIBCID Nagapattinam Tmt.G.Prema was examined as PW3, who in her evidence stated that the Inspector of police Thiru.Ramesh continued the investigation on 04.01.2023 and he subjected the seized contraband for chemical analysis through Tmt.Maheshwari, Head Constable as per the order of this Court. Then, he examined Tmt.Maheshwari, Head Constable and Tmt.Gayathri, Chemical analyst, Forensic Lab, Thanjavur and recorded their respective statements and obtained the Chemical Analysis report **Ex.P9**. Then, after completing his investigation laid a final report against the accused 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 in the proceedings under Section 351(1)(b) of BNSS and he denied the same and submitted as he has no witnesses on his 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 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 22.12.2022 at 11.00 A.M, the PW2 Tmt.Anitha, Inspector of Police received secret information from her informant through phone as one known person was selling ganja near the Railway Gate, Kangalancheri, he would be apprehended, if come. On receipt of secret information, he reduced into writing in the General Diary and intimated the same to the Deputy Superintendent of police, Vide **Ex.P5** prior intimation. Then, she went to the occurrence place along with her police parties PW1 Thiru.K.Senthilkumar, Head constable and Thiru.Murugavel, Head Constable with necessary instruments in a government jeep and they were in surveillance near the Railway gate Kangalachery, his informant identified the accused and gone, she along with the police team caught hold him and enquired him and seized the case properties, samples were taken, arrested and brought him to the police station and registered a case in Cr.No.24/2022, u/s 8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985. 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 is 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 would submit that the accused was taken from his home by two police men in motor cycle and the same was recorded in CCTV footage, but the prosecution laid a false case against the accused and as he possessed contraband of ganja near the railway gate Kangalachery.

11) The learned counsel for the accused would further submit that though the PW2 stated that she received the secret information from her informant and reduced into writing and intimated the same to her higher official, vide Ex.P5, but the Ex.P5 did not show when it was served to her higher official and no date and time were found in Ex.P5. So there is no proof that the Ex.P5 was complied within 72 hours as prescribed u/s.42(2) of NDPS Act.

12) The learned counsel for the accused would further submit that the slip affixed with the MO.1 to MO.3 contraband are alleged to be prepared at the occurrence place, but there was no date, time and place mentioned in the MO.1 to MO.3 contraband.

13) The learned counsel for the accused would further submit that the seizure mahazar Ex.P3 prepared at the occurrence place is found with crime number and section of law and there was no explanation, how the crime number and section of law came into existence in the seizure mahazar allegedly prepared before the registration of First Information report.

14) The learned counsel for the accused would further submit that the case properties were seized on 22.12.2022, but produced before this court on 01.03.2023, with the delay of more than 2 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 prayed to acquit the accused.

15) Heard the submission of both sides. Records perused. The prosecution to prove the case has examined 3 witnesses as PW1 to PW3, filed 9 documents as Ex.P1 to Ex.P9 and material object MO1 to MO3 were marked. Among them, the PW1 Thiru.Senthilkumar, Head constable, who is the member of the raiding team has spoken about the occurrence, Seizure of the contraband and the arrest of the accused. The PW2 Tmt.Anitha, Inspector of police who is the raiding officer has spoken about the receipt of secret information, arrest, seizure of contraband, preparation

of seizure mahazar, registration of First Information Report and part of his investigation. The PW3 Tmt.G.Prema, Inspector of police has spoken about his further investigation of the inspector of police Thiru.Ramesh and his filing of final report.

16) On these evidences, the PW2 is a raiding officer, who in her evidence stated that received secret information from her informant through phone on 22.12.2022 at 11.00 A.M. as one known person is selling ganja near Railway Gate, Kangalancheri, he would be apprehended him, if come. On receipt of secret information, she reduced into writing in the General Diary and intimated the same to the Deputy Superintendent of police, the **Ex.P5** is the prior intimation.

On perusal of Ex.P5, there was no mention about the date and time, in which, her higher official received the Ex.P5. 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, though the PW2 has taken down the secret information in writing and sent the same to her higher official. But there was no endorsement as to the date and time of receipt of the secret information to show the Ex.P5 served to her higher official within 72 hours. 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.

17) Further, it is seen that the seizure mahazar Ex.P3 prepared at the occurrence place is found with crime number and section of law. The PW1 Thiru.Senthilkumar admitted in his cross examination as "அதசாஆ.3 கைப்பற்றுதல் மகஜரில் குற்ற எண், சட்டப்பிரிவுகள் குறிப்பிடப்பட்டுள்ளது என்றால் சரிதான்". So from the evidence of PW1 as well as from the Ex.P3, it is clear that the seizure mahazar prepared at the occurrence place is found with crime number and section of law, but there was no explanation by the Prosecution, how the crime number and section of law came in to existence in the seizure mahazar before the registration of the First Information Report, which creates doubts over the prosecution case.

18) Further, it is seen that the case properties was alleged to be recovered from the accused on 22.12.2022, but produced before this court only on 01.03.2023, so there is a delay of more than 2 months in sending

the case properties to the court and there was no explanation from the PW2 to whom the seized properties left and who had the control over the seized properties.

19) 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.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 is entitled for acquittal.

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

The case properties MO1 to MO3 produced in NDCP.No.32/2023 are ordered to be handed over to the Drugs Disposal committee for destruction after expiry of appeal time.

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, **02nd** 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.K.Senthilkumar	Head constable
PW2	Tmt.A.Anitha	Inspector of police
PW3	Tmt.Prema	Inspector of police

Exhibits marked on the side of the Prosecution:-

Ex.P1	22.12.2022	Search memo
Ex.P2	22.12.2022	Arrest memo
Ex.P3	22.12.2022	Seizure mahazar
Ex.P4	22.12.2022	Observation mahazar
Ex.P5	22.12.2022	Prior intimation
Ex.P6	22.12.2022	Rough Sketch
Ex.P7	22.12.2022	First Information Report
Ex.P8	22.12.2022	Special Report u/s.57 of NDPS Act
Ex.P9	15.05.2023	Chemical analysis report

Material Objects marked on the side of prosecution:

MO.1	Sample ganja
MO.2	Sample ganja
MO.3	Balance ganja

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.80/2025
dated 02.04.2026