

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 12th day of March 2026

2057 Thiruvalluvarandu Visvavasu Year Masi Thingal 28th day

Calendar Case No.92/2025
CNR.No.TNTJ010066292025

State represented by the
Inspector of police,
Mannargudi Town Police Station,
in Cr.No.763/2013.

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Complainant.

..vs..

Murugan, 44/2013,
S/o.Vembu,
Korimedu, Uppukara Theru,
Mannargudi.

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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, Mannargudi Town Police Station, in Cr.No.763/2013.
2.	Name of the accused	:	Murugan
3.	Father/Husband's name of the accused	:	S/o.Vembu
4.	Occupation of the accused	:	Coolie
5.	Residence of the	:	Korimedu, Uppukara Theru,

	accused		Mannargudi.	
6.	Age of the accused	:	44/2013	
7.	Date of occurrence	:	21.07.2023	
8.	Date of complaint	:	21.07.2013	
9.	The period of remand of the accused	:	21.07.2013	
10.	The date of committal of the case	:	Does not arise	
11.	The date of Questioning of the accused u/s 228 of Cr.P.C.	:	14.08.2025, 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	:	11.03.2026	
13.	Commencement of trial	:	09.10.2025	
14.	Close of trial	:	10.03.2026	
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, 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	169/2013	07.08.2013	21.08.2013 Dismissed
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.Karikalan	09.10.2025	09.10.2025
PW2	Thiru.Gokulakannan	26.11.2025	26.11.2025
PW3	Thiru.Rajeshkannan	10.03.2026	10.03.2026

This case was taken on file in this court on 18.07.2025 and came up before me for final hearing on 11.03.2026, in the presence of Thiru.N.Ranjith, Learned Special Public Prosecutor appearing for the Complainant and of Tmt.S.Jayanthi, Advocate appearing 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, Mannargudi Town Police station has laid a final report stating that on 21.07.2013 at 08.30 hours, the accused was found with possession of 1.100 grams of ganja on the Korimedu riverbank, Uppukkara Street, Mannargudi, without having any valid license or permission from the Government and selling the ganja and thereby destroying the future of the youngers and college students. Therefore, the accused 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 18.07.2025 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 three witnesses as PW1 to PW3, produced 6 documents as ExP1 to ExP6 and no material objects were marked.

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

The PW2 Thiru.Gokulakannan, Inspector of Police, Mannargudi Police Station received secret information from his informant through

phone on 21.07.2013 at 08.30 hours and reduced the same into writing in the General Diary and intimated the same to the Deputy Superintendent of Police. After getting permission from his higher officials, he went to the occurrence place along with his police parties PW1 Thiru.Karikalan, Grade II police and Thiru.Selvam, Special Sub Inspector of police with necessary instruments in a government jeep and they were in surveillance near Korimedu riverbank and found one person on seeing the police parties, tried to escape from the spot, then he along with his police team hold him and on enquiry, he spelled his name as Murugan with his address and he informed him as he got an information as he is in possession of Ganja for selling and wanted to be searched 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 he reduced the same in writing and served to the accused, the **Ex.P3** is the search memo. Then, he searched the bag possessed by the accused, which contained dried leaves and seeds and he took a pinch of it and on smelling, it is found to be ganja. Therefore, he arrested the accused stating the reason of having possession of ganja. Then, he weighed the ganja in the electronic weighing machine and found it is 1.100 kilograms. 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 witnesses and put his signature with SHO seal. The balance ganja of 1 kilogram was put in a polythene cover and wrapped with kakki cover and tied with thread and obtained the signature of the accused and the witnesses and put his signature with SHO seal. Then, he seized the contrabands under the Seizure mahazar **Ex.P1** and obtained the signature of the witnesses and the accused. Then, he brought the accused along with the seized properties to the police station at 10.30 hours and registered a case against the accused in Cr.No.763/2013, u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act, the **Ex.P4** is the First Information Report. Then, he prepared the observation mahazar **Ex.P2** and Rough Sketch **Ex.P5** in the presence of Police witnesses Selvam and Karikalan. Then, he examined the PW1 Karikalan and the witness Selvam and recorded their statements. Then, he was transferred and placed the case records to PW3 Thiru.Rajeshkannan, Inspector of police for further investigation.

6) The PW3 continued the investigation, subjected the sample ganja to the Forensic lab, Thanjavur for chemical analysis through Tmt.Mahadevi, Grade II police as per order of this court. Then, he examined Tmt.Mahadevi, Grade II police and Thiru.Gayathri, Assistan

Director, Forensic Lab, Thanjavur and recorded their respective statements and obtained the Chemical analysis report **Ex.P6**. 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 21.07.2013 at 08.30 hours. the PW2 received the secret information and reduced into writing in the General Diary and intimated the same to the Deputy Superintendent of Police. After getting permission, he went to the occurrence place along with his police parties and they were in surveillance near Korimedu riverbank and on seeing the police parties, the accused tried to escape from the spot, but the police parties caught hold him, enquired the accused and seized the case properties, samples were taken, arrested the accused, brought him to

the police station and registered a case in Cr.No.763/2013, 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 PW3 Thiru.Rajeshkannan, Inspector of Police subjected the seized contraband 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 prosecution laid a false case against the accused and he did not possess any contraband as alleged by the prosecution.

11) The learned counsel for the accused would further submit that though the PW2 stated that he received the secret information from his informant and reduced into writing and intimated the same to his higher official and obtained the permission, but there is no document to show that the PW2 received the secret information and reduced into writing and intimated the same 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 would further submit that the Ex.P1 Seizure mahazer did not contain the signature of the accused, which also creates doubt over the seizure of contraband from the

accused.

13) The learned counsel for the accused would further submit that the seizure mahazar prepared at the occurrence place is found with crime number and section of law, how the crime number and section of law came in to existence in the seizure mahazer before the registration of the First Information Report, which creates doubts over the prosecution case.

14) The learned counsel for the accused would further submit that the case properties were seized on 21.07.2013, but produced before this court on 17.02.2025, with the delay of more than 12 years, 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 3 witnesses as PW1 to PW3, filed 6 documents as ExP1 to ExP6 and no material objects were marked. Among them, the PW1 Thiru.Karikalan, Grade II Police, 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 Thiru.Gokulakannan, 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 FIR and part of his investigation. The PW3 Thiru.Rajeshkannan, Inspector of police has spoken about his continuation of investigation and filing of final report.

19) 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 21.07.2013 at 08.30 hours and reduced into writing in the general diary and intimated the same to the Deputy Superintendent of Police and the Inspector of police. It is seen that the PW2 has not taken down the secret information 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.

17) Further, it is seen that the Ex.P1 Seizure mahazar was alleged to be prepared at the occurrence place, but the Ex.P1 seizure mahazar did not contain the signature of the accused. If really the properties were seized from the accused, what prevented the PW2 to get the signature of the accused. Further, it is seen that the seizure mahazer is alleged to be prepared at the occurrence place, but crime number and section of law are found in the seizure mahazer. The PW2 Thiru.Gokulakannan admitted in his cross examination as கைப்பற்றுதல் மகஜரில் குற்ற எண், சட்டப்பிரிவுகள் குறிப்பிடப்பட்டுள்ளது என்றால் சரிதான். Admittedly, the seizure mahazar is found with crime number and section of law and there was no explanation from the PW2, how can the crime number and section of law came into existence in the seizure mahazar at the spot before the registration of Ex.P4 First Information Report, which creates doubts over the possession and recovery of contraband from the accused.

18) Further, it is seen that the case properties were alleged to be recovered from the accused on 21.07.2013, but produced before this court only on 17.02.2025, so there is a delay of more than 12 years in sending the case properties to the court and there was no explanation from the PW2

or PW3 as to whom the seized properties left and who had the control over the seized properties.

19) 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.

20) In this case also, there was delay of more than 12 years 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.

21) 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.

22) 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, they are acquitted as per sec.271(1) BNSS.

The case properties produced in NDCP.No.11/2025 were disposed off as per sec.52(A) of NDPS Act.

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, **12th 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.Karikalan	Head Constable of Police
PW2	Thiru.Gokulakannan	Inspector of Police
PW3	Thiru.Rajeshkannan	Inspector of Police

Exhibits marked on the side of the Prosecution:-

Ex.P1	21.07.2013	Seizure Mahazar.
Ex.P2	21.07.2013	Observation Mahazar
Ex.P3	21.07.2013	Search Memo
Ex.P4	21.07.2013	First Information Report
Ex.P5	21.07.2013	Rough Sketch
Ex.P6	21.02.2025	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.

Fair/Draft Judgment
C.C.No.92/2025
Dated: 12.03.2026

