

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 11<sup>th</sup> day of March 2026.**

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

**Calendar Case No.129/2025**  
**CNR.No.TNTJ01-0075872025**

State represented by the  
Inspector of police,  
Panruti police station,  
Cuddalore District  
in Cr.No.795/2010.

--- Complainant.

..vs..

Vijaya, 55  
S/o.Shivagnanam,  
Railway Bitter road,  
Panruti.

--- 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, Panruti police station, Cuddalore District, in Cr.No.795/2010.
2.	Name of the accused	:	Vijaya
3.	Father/Husband's name of the accused	:	S/o.Shivagnanam,

4.	Occupation of the accused	:	Coolie
5.	Residence of the accused	:	Railway Bitter road, Panruti.
6.	Age of the accused	:	58/2010
7.	Date of occurrence	:	27.07.2010
8.	Date of complaint	:	27.07.2010
9.	The period of remand of the accused	:	27.07.2010
10.	The date of committal of the case	:	Does not arise
11.	The date of Questioning of the accused u/s 251 of BNSS	:	06.10.2025, 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	:	10.03.2026
13.	Commencement of trial	:	18.02.2026
14.	Close of trial	:	09.03.2026
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, she is acquitted as per sec.271(1) BNSS.
<b>16. Criminal Miscellaneous Petitions filed by the accused</b>			

<b>S.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	107/2010	17.08.2010	24.08.2010, 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.Dhavamani	18.02.2026	18.02.2026	
PW2	Thiru.Velumani	09.03.2026	09.03.2026	

This case was taken on file in this court on 07.08.2025 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 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, Panruti Police station has laid a final report stating that on 27.07.2010 at 9.50 hours, the accused was found with possession of 3 kgs of ganja in a polythene bag in her hand behind in her house near Panruti Railway feeder road without having any valid license or permission from the Government for selling. 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 07.08.2025 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 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 under Section **8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985**, the charges were 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 has 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 & PW2, produced 7 documents as Ex.P1 to Ex.P7 and material objects MO.1 to MO.3 were marked.

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

The PW1 Thiru.Dhavamani, Sub Inspector of Police, Panruti police station received secret information from his informant through phone as ganja is possessed in her house by one Vijaya near Railway feeder road, Panruti, he would identify her, if come. On receipt of the information, he reduced into writing in the General diary. Then, he went to the occurrence place along with his police parties Thiru.Annamalai, Head constable and Thiru.Chinnasami, Head constable and they were in surveillance and his informant identified the accused and gone and on seeing the police parties, the accused tried to escape from the spot, but the police parties caught hold her and on enquiry, she spelled her name as Vijaya with her address and informed her as he got an information as she was in possession of Ganja for selling and wanted to search her and also informed her about the right of the accused to be searched before the Gazetted Officer or before the Judicial Magistrate and he reduced the same in writing and served to the accused, but he informed that the search can be conducted by the PW1 himself and he reduced the same in writing and obtained the signatures of the accused, the **Ex.P1** is the Search consent letter. Then, he searched polythene gunny bag possessed by the accused and found 3 kgs of ganja. About two 50

grams of ganja were taken as samples from the seized contraband for testing and put in a polythene cover and wrapped with kakki cover and tied with thread and obtained the signatures of the accused and the witnesses and put his signature with SHO seal, the **MO1 & MO2** are the sample ganjas. The balance ganja of 2.900 kgs was put in a polythene cover and wrapped with kakki cover and tied with thread and obtained the signatures of the accused and the witnesses and put his signature with SHO seal, the **MO3** is the balance ganja. Then, he seized the sample ganja and the balance ganja under the Seizure mahazar **Ex.P2** in the presence of witnesses. Then at 13.00 hours, he brought the accused along with the seized properties to the police station and registered a case against the accused in Cr.No.795/2010, u/s.8(c), 20(b)(i) of NDPS Act, the **Ex.P3** is the First Information report. Then, he sent her to remand along with properties. Then, he examined Thiru.Annamalai and Thiru.Chinnasami and recorded their statements. Then, he placed the case records to PW2 Thiru.Velumani, Inspector of police for further investigation.

6) The PW2 continued the investigation, went to the occurrence place, prepared observation mahazar **Ex.P4** and Rough Sketch **Ex.P5** in the presence of witnesses. Then, he examined Tmt.Rosemani, Deputy Director, Forensic Lab, Viluppuram and recorded their statements, the **Ex.P6** is the

Chemical Analysis report. Then, he perused the case records, he altered the section of law from sec.20(i)(b) of NDPS Act to sec.8(c), 20(b)(ii)(B) of NDPS Act, the **Ex.P7** is the Alteration report. 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 she denied the same and submitted as she has no witnesses on her 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 27.07.2010, the PW1 Thiru.Dhavamani, Sub Inspector of Police received secret information from his informant through phone as ganja was selling by the accused in her house near the Panruti Railway feeder road. On receipt of the information, he reduced into writing in the General diary. Then, he formed a police team consisting of Thiru.Annamalai, Head constable and Thiru.Chinnasami, Head constable in a government jeep with necessary instruments and they

were in surveillance and his informant identified the accused and on seeing the police parties, the accused tried to escape from the spot, but he along with his police parties caught hold her, enquired the accused and seized the case properties, samples were taken, brought her to the police station along with the case properties and registered a case in Cr.No.795/2010, u/s 8(c) r/w 20(b)(ii)(B) of the NDPS Act 1985. The PW1 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 counsels 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 the PW1 failed to comply the provision as stipulated u/s.42(2) of NDPS Act, though the PW1 stated that secret information was received and reduced into writing, but the same was not sent to his higher official.

12) The learned counsel for the accused would further submit that the PW1 failed to comply the provision as stipulated u/s.50 of NDPS Act, though the PW1 stated that search notice was served to the accused, but the

Ex.P2 search notice did not mention the date, time as to show when it was served to the accused. So, the PW1 has not properly complied the mandatory provision as stipulated u/s.50 of NDPS Act.

13) The learned counsel for the accused would further submit that the case properties were seized on 27.07.2010, but produced before this court on 17.08.2016 with the delay of more than 6 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 prayed to acquit the accused.

14) Heard the submission of both sides. Records perused. The prosecution to prove the case has examined 2 witnesses as PW1 & PW2, filed 8 documents as ExP1 to ExP8 and material object MO1 to MO3 were marked. Among them, the PW1 Thiru.Dhavamani, Sub Inspector of police, who is the raiding officer has spoken about the receipt of secret information, seizure of contraband, preparation of seizure mahazar, registration of First Information report and part of his investigation. The PW2 Thiru.Velumani, Inspector of police has spoken about his further investigation and filing of final report.

15) On these evidences, the PW1 is a raiding officer, who in his evidence stated that he received secret information from his informant

through phone as ganja is possessed in her house by one Vijaya near Railway feeder road, Panruti, he would identify her, if come. On receipt of the information, he reduced into writing in the General diary. It is seen that the PW1, though stated that he received the secret information and reduced into writing in the general diary, but he has not sent the intimation 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 PW1 though stated that he reduced into writing in the general diary, but he has not sent the intimation to his higher official. So, the PW1 has not properly complied the provision as mandated u/s. 42(2) of NDPS Act, which is fatal to the prosecution case.

16) Further, the evidence of PW1 disclosed that he informed to the accused as he got an information as she was in possession of Ganja for selling and wanted to search her and also informed her about the right of the

accused to be searched before the Gazetted Officer or before the Judicial Magistrate and he reduced the same in writing and served to the accused, but he informed that the search can be conducted by the PW1 himself and he reduced the same in writing and obtained the signatures of the accused, the **Ex.P1** is the Search consent letter. On perusal of Ex.P1 search consent letter, which did not contain either date or time to show when it was served to the accused. So, the PW1 has not properly complied the mandatory provision as prescribed u/s.50 of NDPS Act.

17) Further, it is seen that the case properties were alleged to be recovered from the accused on 27.07.2010, but produced before this court only on 17.08.2016, so there is a delay of more than 6 years in sending the case properties to the court and there was no explanation from the PW1 & PW2 to explain under whose custody the seized properties were left and who had the control over the seized properties.

18) 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 years 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.

19) In this case also, there was delay of more than 6 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.

20) 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.

21) 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, she is acquitted as per sec.271(1) BNSS.

The case properties MO1 to MO3 produced in NDCP.No.29/2016 are ordered to be handed over to the Narcotic Drugs Destruction Committee for destruction after the 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, **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.Dhavamani	Sub Inspector of police
PW2	Thiru.Velumani	Inspector of police

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

Ex.P1	27.07.2010	Search notice
Ex.P2	27.07.2010	Seizure mahazar
Ex.P3	27.07.2010	First Information Report
Ex.P4	27.07.2010	Observation mahazar
Ex.P5	27.07.2010	Rough Sketch
Ex.P6	13.10.2016	Chemical analysis report
Ex.P7	--	Alteration Report

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

MO.1	Sample ganja packet.
MO.2	Sample ganja packet.
MO.3	Balance quantity of 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.129/2025  
dated 11.03.2026