

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

2057 Thiruvalluvarandu Visvavasu Year Maasi Thingal 27<sup>th</sup> day

**Calendar Case No.159/2025**

**CNR.No.TNTJ010092362025**

State represented by the  
Inspector of police,  
Annamalainagar Police station,  
in Cr.No.328/2007.

--- Complainant.

..vs..

Rajappa, 50/2007  
S/o.Kanthasamy,  
Jeyangondapattinam.

--- Accused

<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, Annamalainagar Police station, in Cr.No.328/2007.
2.	Name of the accused	:	Rajappa
3.	Father/Husband's name of the accused	:	S/o.Kanthasamy
4.	Occupation of the accused	:	Coolie

5.	Residence of the accused	:	Jeyangondapattinam
6.	Age of the accused	:	50/2007
7.	Date of occurrence	:	15.09.2007
8.	Date of complaint	:	15.09.2007
9.	The period of remand of the accused	:	15.09.2007 to 04.10.2007
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.	:	10.10.2025, u/s.20(i)(b) of the NDPS Act 1985
12.	Date of examination of accused u/s 313(1)(b) of Cr.P.C.	:	10.03.2026
13.	Commencement of trial	:	09.03.2026
14.	Close of trial	:	09.03.2026
15.	Sentence or order	:	The accused is found not guilty u/s. <b>20(i)(b) of the NDPS Act 1985</b> and hence, he is acquitted as per sec.248(1) Cr.P.C.
<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	827/2007	26.09.2007	28.09.2007, Dismissed
<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.D.Kannan	09.03.2026	09.03.2026	

This case was taken on file in this court on 17.09.2025 up before me for final hearing on 10.03.2026, in the presence of Thiru.N.Ranjith, Special Public Prosecutor for the Complainant and Thiru.D.Natarajan, 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, Annamalainagar police station has laid a final report stating that on 15.09.2007 at 13.00 hours, when he was patrolling duty and found the accused Rajappa was having possession ganja of 1.250 kgs in a yellow colour clothbag near Kavarappattu Bus Stop for selling. Therefore, the accused appears to have committed the offence punishable under Section **20(i)(b) of the NDPS Act 1985.**

2) The case was taken on file on 17.09.2025 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 was 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 **20(i)(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 1 witnesses as PW1 , produced 3 documents as Exp1 to Exp3 and material objects MO1 to MO3 were marked.

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

PW1, Thiru.D.Kannan, Inspector of Police, Annamalainagar Police Station was on patrolling duty on 15.09.2007 at 13.00 hours, along

with Head Constables Thiru.Arumugam, Thiru.Selvaraj and Thiru.Paneerselvam to prevent the prohibition offence in Kavrapattu village and found one person standing with yellow colour cloth bag in a suspicious manner and on enquiry he spelled his name as Rajappa and searched the yellow colour cloth bag kept in his hand and found ganja powder. Then he arrested the accused stating the reason for possession of ganja powder and weighted the ganja powder and found 1.250 kilos. Then he had drawn two 50 grams of ganja as sample and for chemical analysis from the seized ganja and kept in a white colour paper and folded and tied with thread and put SHO seal, the **MO.1 and MO.2** of the sample ganja. The balance ganja of 1.150 kilo is kept in white colour paper and folded and tied with thread and put SHO seal, the **MO.3** is the balance ganja. Then he seized the sample ganja and balance ganja under the seizure mahazar **Ex.P.1** in the presence of Thiru.Arumugam, Head Constable and Thiru.Selvaraj, Head Constable. Then he brought the accused along with the seized properties to the police station at 15.00 hours and registered a case against the accused in Cr.No.328/2007, u/s.20(i)(b) of NDPS Act, the **Ex.P2** is the First Information report. Then, he sent the accused to remand along with properties. Then, he examined the witnesses Arumugam, Selvaraj, Paneerselvam, Natarajan and Murali and recorded their

statements. Then he subjected the sample ganja to the Forensic lab, Thanjavur through Thiru.Rajaraman, Grade II Police as per order of this court. Then, he examined Thiru.Rajaraman, Grade II Police and Thiru.Kalimuththan, Assistant Director, Forensic lab, Thanjavur and recorded their statements, the **Ex.P3** is the Chemical analysis report. Then, after completing his investigation laid a final report against the accused under **Sec. 20(i)(b) of NDPS Act 1985**.

6) The incriminating portions found in the evidences adduced by the prosecution were explained to the accused in the proceedings under Section 313(1)(b) of Cr.P.C and he denied the same and submitted as he has no witnesses on his side. Hence, the defence side was closed.

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

Whether the prosecution has proved the charge framed against the accused under Section **20(i)(b) of NDPS Act 1985**. beyond all reasonable doubts.

8) It is the case of the prosecution, that on 15.09.2007 at 13.00 hours, the PW1 Thiru.D.Kannan, Inspector of Police was on patrolling duty along with police parties to prevent the prohibition offence in the area of Kavarapattu Village and found a person was standing in the bus stop of Kavarapattu in a suspicious manner with yellow colour cloth bag in his

hand and he enquired the accused, searched the yellow colour cloth bag and found ganja powder then, he seized the ganja, samples were taken and registered a case in Cr.No.328/2007, **20(i)(b) of NDPS Act 1985..** The seized contraband was subjected for chemical analysis and found the seized property is ganja. The PW1 had followed the mandatory provision. Therefore, the accused is liable to be punished u/s. **20(i)(b) of NDPS Act 1985.**

9) 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.

10) The learned counsel for the accused would further submit that the raiding officer has not failed any document to show that he was on patrolling duty in the area of Kavarapattu Village and no independent witnesses were examined to prove the occurrence.

11) The learned counsel for the accused would further submit that the seizure mahazar allegedly prepared at the occurrence place is found with crime number and section of law and there was no explanation from the prosecution, how can the crime number and section of law came into existence in the seizure mahazar before the registration of First Information Report. Which creates doubts over the prosecution case.

12) The learned counsel for the accused would further submit that the case properties were seized on 15.09.2007, but produced before this court on 28.09.2007, with the delay of 13 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.

13) Heard the submission of both sides. Records perused. The prosecution to prove the case has examined 1 witness as PW1, filed 3 documents as ExP1 to ExP3 and material objects MO1 to MO3 are marked. The PW1 Thiru.D.Kannan, Inspector of police, who in his evidence stated that on 15.09.2007 at 13.00 hours, when he was patrolling duty along with Head Constables Thiru.Arumugam, Thiru.Selvaraj and Thiru.Paneerselvam to prevent the prohibition offence in Kavarapattu village and found the accused was standing with yellow colour cloth bag in a suspicious manner the area of Kavarapattu Village and enquired the accused and searched the yellow colour cloth bag kept in his hand and found ganja powder. Then he arrested the accused stating the reason for possession of ganja powder and weighted the ganja powder and found 1.250 kilos. Then he had drawn two 50 grams of ganja as sample and for

chemical analysis from the seized ganja and kept in a white colour paper and folded and tied with thread and put SHO seal, the MO.1 and MO.2 of the sample ganja. The balance ganja of 1.150 kilo is kept in white colour paper and folded and tied with thread and put SHO seal, the MO.3 is the balance ganja. Then he seized the sample ganja and balance ganja under the seizure mahazar **Ex.P.1** in the presence of Thiru.Arumugam, Head Constable and Thiru.Selvaraj, Head Constable. Then he brought the accused along with the seized properties to the police station at 15.00 hours and registered a case against the accused in Cr.No.328/2007, u/s.20(i) (b) of NDPS Act, the **Ex.P2** is the First Information report.

14) It is seen from the evidence of PW1 that he prepared Ex.P1 the seizure mahazar at the occurrence place before the registration of First Information Report. But the Ex.P1 seizure mahazar is found with crime number and section of law. The PW1 Thiru.D.Kannan, Inspector of police admitted in his cross examination as கைப்பற்றுதல் மகஜரில் குற்ற எண் மற்றும் சட்டப்பிரிவு குறிப்பிடப்பட்டுள்ளது என்றால் சரிதான். So from the evidence of PW1, it is clear that the Ex.P1 seizure mahazer 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 with respect to the recovery of contraband from the accused.

15) As contended by the accused, the prosecution has not filed any documents to show that the PW1 was on patrolling duty at Kavaraipattu Village on the specified date and specified time and no independent witnesses were examined to prove the occurrence. So the non examination of independent witness creates doubts over the prosecution case.

16) It is further seen that the case properties was alleged to be recovered from the accused on 15.09.2007, but produced before this court only on 28.09.2007, so there is a delay of 13 days in sending the case properties to the court and there was no explanation from the PW1 to whom the seized properties left and who had the control over the seized properties.

17) 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 20(i)(b) of the NDPS Act 1985 beyond reasonable doubt by sufficient oral and documentary evidence and hence the accused is entitled for acquittal.

18) In the result, the accused is found not guilty u/s. **20(i)(b) of the NDPS Act 1985** and hence, he is acquitted as per sec.248(1) Cr.P.C.

The case properties MO.1 to MO3 ganja produced in NDCP.No.112/2007 are ordered to be handed over to Narcotic Drugs Destruction Board 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. D.Kannan	Inspector of police
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**Exhibits marked on the side of the Prosecution:-**

Ex.P1	15.09.2007	Seizure mahazar
Ex.P2	15.09.2007	First Information Report
Ex.P3	03.10.2007	Chemical Analysis 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.

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