

**IN THE COURT OF 1<sup>st</sup> ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
THIRUVALLUR, TAMILNADU**

Present:- **Tmt. S. TASNEEM, M.L.,**  
I-Additional District and Sessions Judge, Tiruvallur

Monday, dated the 06<sup>th</sup> day of April 2026

**Sessions Case No.105 of 2023**

(P.R.C.No.85/2022, on the file of Chief Judicial Magistrate Court, Tiruvallur)

State represented by  
the Drug Inspector,  
Valasaravakkam Range,  
Zone-IV, Chennai-06

..... Complainant

Vs

Tr.B.Kabeer Mohamed, S/o Bava,  
aged 39 years,  
Resided at No.3/18, Om Eswaran steet,  
Thirumalainagar, Ramapuram,  
Chennai – 89.

...Accused

This Sessions case coming on 16.03.2026 before me for final hearing in the presence of the Thiru.C.Ravichandran, Learned Additional Public Prosecutor on behalf of Prosecution and Tr.S.Muthukumaravel, Learned Counsel for the accused and upon hearing their arguments having stood over for consideration till this day, this court delivered the following:

**JUDGMENT**

The complainant/State represented by the Drugs Inspector, Valasaravakkam Range, filed the complaint u/s.200 of Cr.P.C., alleging that the accused B.Kabeer Mohamed, Person incharge of premises of No.3/18, Om Eswaran street,

Thirumalainagar, Ramapuram, Chennai-89 has committed the offences u/s 18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1945, and 18 A of the Drugs and Cosmetics Act 1940 read with Rule 28 of the Drugs and Cosmetics Rules 1945.

2. According to the complainant, during the inspection on 13.06.2016 in the premises of No.3/18, Om Eswaran street, Thirumalainagar, Ramapuram, Chennai-89, found that certain drugs labeled as “physician's sample- Not for sale were stocked for distribution without having valid drug license and not furnished the purchase details of the seized drugs. Therefore, he has contravened section u/s.18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1945, and 18 A of the Drugs and Cosmetics Act 1940 read with Rule 28 of the Drugs and Cosmetics Rules 1945. Therefore, the complainant filed the complaint against the accused before the Chief Judicial Magistrate, Tiruvallur.

3. Upon being satisfied with the prima facie case made against Accused, the Learned Chief Judicial Magistrate, Tiruvallur, took the case on file as PRC No.85/2022 on 02.02.2023 and furnished copies under Section 207 of the Cr.P.C. Having been satisfied that the offenses against Accused are exclusively triable by the Court of Sessions, the learned Chief Judicial Magistrate, Tiruvallur, committed the case to the Principal District and Sessions Court, Tiruvallur, under Section 209(a) of the Cr.P.C. Consequently, the case was taken on file as S.C.No.105/2023 by the Hon'ble Principal District and Sessions Court, Tiruvallur, and the same was then made over to this Court for trial.

4. Upon the appearance of Accused, and after hearing both sides, and being satisfied that there were reasons to proceed against the accused, charges on 2 counts were framed there under.

5. The aforementioned charges were read over and explained to accused, and questioned. Accused denied the charges and pleaded not guilty. Consequently, the trial commenced.

6. To prove the offenses leveled against the accused, the learned additional public prosecutor filed adoption memo stating that, the examination of PW1 to PW4 and marking of documents in lower court are same and therefore adopted the same as PW1 to PW4 and Ex.P1 to Ex.P25 and MO1 (series) were marked.

7. The PW1, Drugs Inspector, Intelligence Wing deposed that, on 13.06.2016 he received one phone call from unauthorized person and based on information he and PW2 and PW3 who are Drugs Inspectors, Intelligence wing inspected the premises of B.Kabeer Mohammed, No.3/18, Om Easwaran street, Thirumalainagar, Ramapuram, Chennai-89. During the time of inspection, they found that certain drugs as 'Physician's samples-not for sale' were stocked for distribution without having valid drug license. The said copy of complaint marked as **Ex.P1**. Therefore, the drug Inspectors, PW1 to PW3 took a sample of **Dolopar 250, suspension )paracetamol paediatric oral suspension IP) Batch No.DPLT-087, M/D. July/2015; E/D: Dec/2017**, for analysis under **Ex.P6** Form 17 and after drawing the sample for analysis the Drug Inspectors, seized the remaining stocks of drugs under form-16 and Prepared mahazar and mahazar list and also filed petition u/sec.23 of Drugs and

Cosmetics Act 1940 before the Chief Judicial Magistrate, Tiruvallur on 14.06.2016 which are marked as **Ex.P2 to Ex.P5** and details of 9 items of drugs which is marked as **M.O.1**. The above samples were sent to Government Drugs testing Laboratory, Chennai for analysis in **Ex.P7** Form 18 and the report was received by Laboratory under **Ex.P8** Form 13. The statement of letter of accused is **Ex.P9**.

8. Therefore, the PW1 has sent **Ex.P10** letter dated 15.09.2016 to disclose the particulars of certain drugs and the accused has sent a **Ex.P11** reply dated 23.09.2016 stating that, no purchase records are available in certain drugs. Further, the PW1 also sent **Ex.P12** letter dated 14.10.2016 to furnish the documents and the accused has sent **Ex.P13** reply dated 02.11.2016. The reply was not satisfactory one, so, the PW1 has sent **Ex.P14** letter dated 20.01.2017 to House owner G.Gurumurthy, the same has been returned by the postal authority which is marked as **Ex.P15**, so, the Drug Inspector also sent **Ex.P16** letter dated 02.02.2017, **Ex.P17** reminder letter dated 23.03.2017 and **Ex.P18** letter dated 19.05.2017 and **Ex.P20** documents has sent to House owner G.Gurumurthy. Therefore, the drug inspector, has sent **Ex.P19** letter to Office of the Drug Control, dated 22.05.2017. Subsequently, the Drugs Inspector, has sent **Ex.P21** show cause memo dated 21.06.2017 and the PW1 has handed over the entire investigation file to PW2. The said PW2 also handed over the entire case records to PW4 Tr.Thirugnanasambantham, who is the Drug inspector of Valasaravakkam range, the said handed over report marked as **Ex.P23**. The PW4, sent **Ex.P24** proposal to the Director of the Drugs Control, Tiruvallur on 11.02.2019 and initiated proceedings against the accused by obtaining sanction in

R.Dis.No.2855/IW2/2019 (50), dated 03.04.2019 **Ex.P25** from the Director of Drugs Control and the present complaint has been lodged.

9. After recording of the said complainant's evidences, all the incriminating evidence were put to the accused U/s 313 Cr.P.C. In turn, the accused admitted the offences levelled against him. He also filed an admission petition pleading guilty and reported that he has no evidence either oral or documentary.

10. Heard and perused the records.

11. The Pw1 has categorically deposed that the accused has stocked and sold drugs without a valid drug licenc in an open shop and for not having produced the purchase records for certain drugs. Therefore, he has contravened section u/s.18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1945, and 18 A of the Drugs and Cosmetics Act 1940 read with Rule 28 of the Drugs and Cosmetics Rules 1945. Further, though the accused not pleaded guilty at the initial stage, after trial when he was questioned under section 313 of Cr.P.C., the accused himself admitted the offence. The accused further prayed for awarding lesser punishment stating that he is maintaining all the records and has complied with the deficiencies as pointed out by the complainant's drug Inspector.

12) Question of sentences asked to the accused. Since the accused found guilty of the Sec. 18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1945, and 18 A of the Drugs and Cosmetics Act 1940 read with Rule 28 of the Drugs and Cosmetics Rules 1945 for which the

accused prayed for awarding lesser punishment of fine alone since, he is the only bread winner of the family.

13) Therefore, in view of the above admission by accused and also considering the facts and circumstances of the case, this court convicts the accused on his admissions and sentences him to imprisonment till rising of the court and to pay a fine of Rs.25,000/- u/s 27(b)(ii) of the Drugs and Cosmetics Act 1940 and also sentenced the accused to pay a fine of Rs.25,000/- u/s 28 of Drugs and Cosmetics Act 1940.

14) In total, this court sentences the accused to pay fine of Rs.50,000/- in default to undergo simple imprisonment for 6 months.

Dictated by me to the steno-typist, typed by her directly in the computer, corrected and pronounced by me in the open Court, on this 06<sup>th</sup> day of April 2026.

I-Additional District and Sessions Judge,  
Tiruvallur

Prosecution witnesses:-

PW1 Tr.T.Immanuvel Nesakumar  
 PW2 Tr.M.Thiyagarajan  
 PW3 Tr.N.Rajeshkumar  
 PW4 Tr.Thirugnanasambamthan

Prosecution Exhibits:-

Ex.P1	13.06.2016	Copy of complaint
Ex.P2	13.06.2016	Form -16
Ex.P3	13.06.2016	Mahazar

Ex.P4	13.06.2016	Mahazar list
Ex.P5	14.06.2016	filed petition u/sec.23 of Drugs and Cosmetics Act 1940 before the Chief Judicial Magistrate, Tiruvallur
Ex.P6	---	sample sent to Government drugs testing laboratory, Chennai under form -17
Ex.P7	14.06.2016	Form 18
Ex.P8	---	Report received from Government Drugs testing laboratory, chennai under Form 13
Ex.P9	13.06.2016	Statement letter given by accused
Ex.P10	15.09.2016	Letter sent to the accused
Ex.P11	23.09.2016	Reply given by the accused
Ex.P12	14.10.2016	Letter sent to the accused
Ex.P13	02.11.2016	Reply given by the accused
Ex.P14	20.01.2017	Letter sent to house owner Gurumurthy
Ex.P15	23.01.2017	Return postal cover
Ex.P16	02.02.2017	Letter sent to house owner Gurumurthy
Ex.P17	23.03.2017	Reminder letter sent to Gurumurthy
Ex.P18	19.05.2017	Letter to house owner Gurumurthy
Ex.P19	22.05.2017	Letter sent to Drug control, Chennai
Ex.P20	23.05.2017	Received documents
Ex.P21	21.06.2017	Show cause memo
Ex.P22	28.06.2017	Handed over charge to PW2
Ex.P23	21.08.2018	Handed over charge to PW4
Ex.P24	11.02.2019	Proposal of the Director of Drugs control,
Ex.P25	03.04.2019	Sanction order R.Dis.No.2855/IW2/2019 (50), dated

Defence Side witnesses & Exhibits: NIL

Material Objects:-

M.O.1  
(series) Details of the 9 items of Drugs

I-Additional District and Sessions Judge,  
Tiruvallur