

**IN THE COURT OF THE DISTRICT MUNSIF-CUM-JUDICIAL
MAGISTRATE, KOTAGIRI.**

**Present: G. AMIRDHAM. B.Sc., L.L.B.,
District Muns if-cum-Judicial Magistrate, Kotagiri**

Dated this 30th day of June 2026, Thursday.

S.T.C. No: 234 of 2026

CNR.No: TNNS06-000393-2026

Sl.No.	Name of the Police Station and the Crime Number of the Offence.	Kotagiri P.S. Cr.No.123 / 2026 U/s. 4 A of TNP Act
<u>DESCRIPTION OF THE ACCUSED</u>		
1	Name of the Accused	Praveen
2	Father name of the Accused	S/o. Nagaraj
3	Occupation	Coolie
4	Residence	Kakkasholai, Milidhane, Kotagiri Taluk, The Nilgiris.
5	Age	(Aged about 19 years)
<u>DETAILS OF DATES</u>		
6	Occurrence	30.05.2026
7	Complaint	30.05.2026
8	Apprehension	30.05.2026
9	Release on bail	30.05.2026
10	Commitment	Not applicable
11	Commencement of Trial	25.06.2026
12	Closure of trial	25.06.2026
13	Sentence or Order	1. In the result, Accused is found not guilty for u/s. 4A TNP Act and the accused is acquitted u/s.278(2) of BNSS. 2. The bond executed by the Accused,

		if any, is ordered to be cancelled after appeal period. 3. There is no property order, since no property material object produced on either side.
14	Service of copy of Judgment or finding on Accused	Found not guilty and acquitted.
15	Explanation of delay	The witnesses are not produced by prosecution hence delayed.

CASE SUMMARY AS PER R.O.C.NO. 814/2020/RG/F1 OF HON'BLE HIGH COURT OF MADRAS DATED : 07.04.2021

S.No.	Action		Date	
1	The period of remand of the accused.		30.05.2026	
2	The date of filing of the complaint		10.06.2026	
3	The date of filing of the final report in the Court.		10.06.2026	
4	The date of committal of the case to the Court of Session.		Not Applicable	
5	The date of questioning of the accused Under Sections 228, 240, 246 and 251 of the code of Criminal Procedure, 1973, as the case may be.		24.06.2026	
6	Filing of all miscellaneous petitions and their results including the results on challenge before Superior Courts; except routine petitions like petitions under section 317 of the Code.		-Nil-	
7	Date of Chief and Cross examination of witnesses	Name of the Examination		Date of Chief
		P.W.1	Suresh	25.06.2026
		P.W.2	Prasath	25.06.2026
8	Date of examination of the accused and Under Section 313 (1) (b) of the Code.		29.06.2026	

9	Details of abscondence of an accused and his appearance / production, as the case may be;	Not applicable
10	Grant of stay by Superior Courts and the results thereof.	Not applicable
11	Charges framed against the accused	U/s.4A of TNP Act.
12	Sentence or Order	1. In the result, Accused is found not guilty for u/s. 4A TNP Act and the accused is acquitted u/s.278(2) of BNSS. 2. The bond executed by the Accused, if any, is ordered to be cancelled after appeal period. 3. There is no property order, since no property material object produced on either side.

This case having stood over for consideration on the file of this court till this date finally came up before me on 30.06.2026 in the presence of the Tmt. C. Malarkodi, learned Assistant Public Prosecutor for the complainant and learned Advocate Selvi. A. Jothi, learned counsel for the accused and upon perusing the documents and hearing the arguments of both sides this court today doth deliver the following :

J U D G M E N T

1. Case of the prosecution.

The Inspector of police, Kotagiri P.S. has laid down the final report stating that on 30.05.2026 at about 14.30 hours limit Kotagiri P.S. near Ramchand bus stop, the accused have causing a nuisance to the public and traffic while under the influence of alcohol and thereby the accused committed offence u/s.4A of TNP Act.

2. Summons and copies

Upon service of the summons u/s.227 of the BNSS and the appearance of the accused copies of the final report and documents were given to the accused in compliance with section with section 230 of the BNSS on 23.06.2026.

3. Framing of charges

On 24.06.2026, a charge was framed against the accused for the offences u/s.4A TNP Act. When the charges was read out and explained to the accused, he pleaded not guilty and claimed to be tried. Hence, the case was posted for trial in accordance with section 265(1) of the BNSS.

4. Evidence adduced by Prosecution side

a) Oral evidence

To substantiate their case, the prosecution had examined the all police witnesses Suresh (Gr II PC) as Pw1 and the investigating officer Mr.Prasath as Pw2.

b) Documentary evidence

1. ExP1 : Drunkness certificate

2. Exp2 : First Information Report

c) Material object

-Nil-

5. Defence side evidence

The defense did not produce any witnesses or documentary evidence.

6. Examination under Section 351 of BNSS

The circumstances appearing in the evidence of the witnesses against the accused were put to him, and the accused replied that the case against him is false and that the evidence of the prosecution is also false. He further stated that there is no evidence on his side.

7. Arguments Advanced

The prosecution side submitted that the court may consider the evidence of prosecution and convict the accused. On the other hand, the learned counsel for the accused submitted that a false case had been foisted against the accused and that the prosecution failed to adduce ample evidence to prove the charge against the accused beyond all reasonable doubts. Hence, the counsel prayed for the acquittal of the accused.

8. Point for determination

(i) Whether on 30.05.2026 the accused was causing a nuisance to the public and traffic while under the influence of alcohol?

(ii) Whether the prosecution has proved his case beyond all reasonable doubt to convict the accused?

9. Analysis of Evidence Point – I

(a) Burden of Proof

In the present case, the prosecution has alleged that the accused committed offences punishable under Sections 4-A of the Tamil Nadu Prohibition Act, 1937. Under Section 105 of the Bharathiya Sakshya Adhinyam, the burden of proving that the accused committed the offences mentioned in the charge sheet lies on the prosecution. As per the fundamental principle of criminal jurisprudence, the prosecution must establish the guilt of the accused beyond all reasonable doubt.

(b) Sufficiency of Official Witnesses

The prosecution examined two police officials (PW1 & PW2), whose chief testimonies aligned with the allegations in the FIR and other records. PW1, in his chief examination, stated that on 30.05.2026 at 14.30 Hrs, while he causing a nuisance to the public and traffic while under the influence of alcohol. At around 14.45 Hrs, PW2 arrested the accused.

However, it is settled and Hon'ble apex courts also have consistently held that while the testimony of police officers is admissible, reliance solely on official witnesses, without corroboration from independent sources, weakens the probative value of the prosecution's case, especially when independent witnesses are available.

In this case, the alleged seizure occurred at a residential place at around 14.45 Hrs., a time when independent witnesses could have been easily secured. Failure to

include such witnesses for the investigation casts doubt on the fairness of the investigation and the credibility of the prosecution's story. It is also apposite to mention that the observation mahazar and Rough sketch were not prepared and produced before this court to prove the scene of crime.

10. Decision

Based on the above analysis, this Court finds that the prosecution has failed to prove the guilt of the accused beyond a reasonable doubt. Accordingly, the accused is acquitted 278(2) BNSS of the charge under 4A of the Tamil Nadu Prohibition Act, 1937 and shall be set at liberty forthwith.

Dictated to the Steno Typist and Directly typed by the Steno in the Court Computer and after making necessary corrections, this Judgment pronounced by me in open court, this the 30th day of June 2026.

**Sd/- G.Amirdham,
Judicial Magistrate,
Kotagiri.**

APPENDIX :-

Prosecution side witnesses :-

P.W.1	Suresh	S/o. Kumaresan
P.W.2	Prasath	S/o. Selvaraj

Prosecution side Exhibits : -

Sl. No. of the Exhibits	Description of the Exhibits and its date	Date, when the exhibit was filed in the case	How marked	By whom filed	Remarks
1	Drunkness, dated 30.05.2026	25.06.2026	Ex.P1	PW1	Original
2	FIR, dated 30.05.2026	25.06.2026	Ex.P2	PW2	Original

Material Objects :-

-NIL-

Defence side witnesses: -

-NIL-

Defence side Exhibits:-

-NIL-

**Sd/- G.Amirdham,
Judicial Magistrate,
Kotagiri.**

NOTE :

1	In the result, Accused is found not guilty for u/s. 4A TNP Act and the accused is acquitted u/s.278(2) of BNSS.
2.	The bond executed by the Accused, if any, is ordered to be cancelled after appeal period.
3.	There is no property order, since no property material object produced on either side.

**Sd/- G.Amirdham,
Judicial Magistrate,
Kotagiri.**

Judicial Form No.61

**IN THE COURT OF THE DISTRICT MUNSIF-CUM-JUDICIAL
MAGISTRATE, KOTAGIRI**

S.T.C. No.234 of 2026

**ON THE FILE OF THE DISTRICT MUNSIF-CUM-JUDICIAL
MAGISTRATE, KOTAGIRI.**

Complainant : The Inspector of Police, Kotagiri P.S.

Accused : Praveen

Offence : U/s. 4 A of TNP Act

Finding : Found not guilty.

Sentence :

- 1 In the result, Accused is found not guilty for u/s. 4A TNP Act and the accused is acquitted u/s.278(2) of BNSS.
- 2 The bond executed by the Accused, if any, is ordered to be cancelled after appeal period.
- 3 There is no property order, since no property material object produced on either side.

Sl. No	Description of the Accused					
	Name	Father's Name	Caste or race	Occupation	Residence	Age
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Praveen	S/o. Nagaraj	Hindu	-	Kakkasholai, Milidhane, Kotagiri.	19

Date of							Explan ation of delay
Occurrence	Complaint	Apprehensi on or appearance	Release on bail	Commenc ement of Trial	Close of trail	Sentence or Order	
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
30.05.2026	30.05.2026	30.05.2026	30.05.2026	25.06.2026	25.06.2026	30.06.2026	

**Sd/- G.Amirdham,
Judicial Magistrate,
Kotagiri.**