

**In the Court of the Judicial Magistrate I, Tirupathur**

**Present: Tr.K.S.Dinesh, B.A., B.L., (Hons.)**

**Judicial Magistrate I, Tirupathur**

**Tuesday the 10<sup>th</sup> day of March 2026**

**C.C. No. 228/2023**

**{ CNR No.TNTU02-011374-2023 }**

State rep by.

Sub Inspector of Police,

Tirupathur Town Police Station,

Crime No. 198 / 2023

....Complainant

--Vs--

Dhineshkumar (26) S/o. Boopathi

Ponniyamman Koil Street,

Tirupathur Town and District)

....Accused

**CASE SUMMARY**

S. No.	PARTICULARS	DETAILS			
1	Period of remand of the accused	30.05.2023-03.06.2023			
2	Date of filling of final report	25.07.2023			
3	Date of Questioning	05.09.2023			
4	Miscellaneous petitions and their results	-			
5	Date of Examination in chief and cross examination of a witness	S. No	PW's	Chief	Cross
		1)	Tr.Kumar	07.11.2023	07.11.2023

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		2)	Tr.Senthil	07.11.2023	07.11.2023
		3)	Selvi.Shivanya	16.02.2026	16.02.2026
6	Date of examination of accused U/S. 313 Cr.P.C	07.03.2026			
7	Details of abscondence of the accused and his appearance	-			
8	Grant of stay by Superior court and results thereof	Nil			

This case taken on file on 25.07.2023 as C.C. No.228/2023. This case came up before me for the final hearing on 10.03.2026 in the presence of Assistant Public Prosecutor Tmt.M.Revathi for the prosecution and Tr.D.N.Amudhanandhan, Counsel for the accused and on hearing the arguments advanced by either side counsels and on perusal of entire evidence and the documents relied by either side and on available material case records and having stood over for consideration till this day, this court delivered the following.

### **JUDGMENT**

1) This case arose out of charge sheet laid by the Sub Inspector of Police, Tirupathur Town Police Station.

#### **2) Summary of the Prosecution case :-**

The Sub-Inspector of Police, Tirupathur Town Police Station has filed a final report that on 30.05.2023 at 16.00Hrs., when LW-1 to LW-3 were carrying out routine

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rounds near the accused's house situated at Ponniamman Kovil Street, Tirupathur within the limit of Tirupathur Town Police Station, there were boxes near the house of the accused which contained 1. 180 ML MGM Diamond XXX Rum-3, 2.90ML of OLD SECRET STRONG XXX RUM - 5 and thereby the accused has committed offenses, punishable under sections 4(1)(a), 4(1)(h), TNP Act.

3) Summon was served to accused. Upon appearance of the accused, the documents relied on by prosecution were furnished free of cost to the accused U/s. 207 Cr.P.C. Thereafter, after providing due time for reflection, the substance of accusation were put forth to the accused and the same was denied by him as false and claimed to be tried. Charges framed against Accused u/s. 4(1)(a), 4(1)(h), TNP Act and the same were read over and explained to the accused.

4) On the side of the prosecution P.W-1 to P.W-3 were examined and Ex.P-1 to Ex.P-4 were marked. Property was produced by prosecution side. On the side of the Accused side, no witnesses were examined.

**5) The case of the prosecution side witness in brief is as follows :-**

PW1 : PW1 is the Gr.I Police constable who was working at Tirupathur Town Police Station. He deposed that on 30.05.2023 at 16.00Hrs., when himself, LW-2 and LW-3

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were in routine rounds regarding prohibition in Ponniamman Kovil Street within the limits of the police station, the accused upon seeing the police party tried to run away and thereafter the accused was secured and they came to know that the vehicle had MGM Diamond XXX Rum-3, OLD SECRET STRONG XXX RUM - 5. Thereafter the accused was arrested and sent to judicial custody and the bottles were seized, in which PW1 signed as witness and Exp-1 Seizure Mahazar was marked through him.

PW2 : PW2 was working as a grade II police constable in Tirupathur Town Police Station. He deposed that on 30.05.2023 at evening 04.00PM. when himself, PW1 and LW-3 were in routine rounds regarding prohibition, in Ponniamman Kovil Street within the limits of the police station, the accused was found and upon seeing the police party, he tried to run away and thereafter the accused was secured and they came to know that the vehicle had MGM Diamond XXX Rum-3, OLD SECRET STRONG XXX RUM - 5. Thereafter the said bottles was seized and Exp-1, Seizure mahazar was prepared in which PW1 and PW2 signed as witnesses and Exp-2 signature was marked through him.

PW3 : PW3 was the Sub-Inspector of police of Tirupathur Town Police Station. PW-3 deposed that on 30.05.2023, when himself PW1 and PW2 were carrying out routine rounds in Ponniamman Kovil Street, the accused was standing with his vehicle and

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upon seeing the police party, he ran away and they found 180 ML MGM Diamond XXX Rum-3, 90 ML OLD SECRET STRONG XXX RUM - 5 for sale in the place where the accused was present. Thereafter the same was seized from the accused in the presence of PW1 and PW2 and ExP-1, seizure mahazar was prepared and registered Exb.P-3 first information report in crime number 198/2023. The above property was marked as PMO-1 and the said property was sent to Court through Exb.P-4 form 95. Thereafter PW3 completed his investigation filed the final report against accused under section 4(1)(a), 4(1)(h) of TNP Act.

6) The incriminating portion of prosecution side witnesses were put forth of accused u/s. 313 (1) (b) Cr.P.C and the same was denied by them as false. Thereafter the accused was provided an opportunity to produce any oral or documentary evidences and the accused did not come forward to provide the same.

7) Now the point that arose for consideration is where the prosecution has proved the guilt of the accused beyond all reasonable doubt ? If so, what would be the sentence to be imposed upon the Accused ?

7.1) In the present case, accused was charged under section 4(i)(a), 4(i)(h) of TNP Act. It is the case of the prosecution that on 30.05.2023 at 16.00 Hrs., PW1 to PW3

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who are police officials in Tirupathur Town Police Station, were carrying out routine rounds in order to curb liquor sale in Ponniamman Kovil Street which is situated within the jurisdiction of the Tirupathur Town Police Station. At that time, the accused was found standing in his vehicle and he ran away seeing the police and when they went to the said vehicle, they found that the same contained 1. 180 ML MGM Diamond XXX Rum-3, 2.90 ML of OLD SECRET STRONG XXX RUM - 5. It is pertinent to note that the properties have been seized from the accused in the presence of PW1 and PW2, vide ExP-1, seizure mahazar. PW1, PW2 has clearly deposed that the accused was found with bottles of 8 number. It is argued by the Learned counsel for the defense side that no independent witnesses have been examined in the present case and all the witnesses are police officials. It is argued by the Learned counsel for the defense side that since the complainant and the investigation officer who carried out preliminary investigation are one and the same, and the prosecution side has failed to establish that a fair investigation had taken place in the present case. However the Hon'ble Supreme Court in "**Govindaraju @ Govinda V. State by Sriramapuram P.S**" - [2012(78) ACC 545 (SC)] has held as follows:-

*"16. This Court in the case of Girja Prasad (supra) while particularly referring to the evidence of a police officer, said that it is not the law that Police witnesses should not be relied upon and their evidence cannot be accepted unless it is corroborated in material particulars by other independent evidence. The presumption applies as much in favour of a police officer as any other person.*

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*There is also no rule of law which lays down that no conviction can be recorded on the testimony of a police officer even if such evidence is otherwise reliable and trustworthy. The rule of prudence may require more careful scrutiny of their evidence. If such a presumption is raised against the police officers without exception, it will be an attitude which could neither do credit to the magistracy nor good to the public, it can only bring down the prestige of the police administration.*

*17. Wherever, the evidence of the police officer, after careful scrutiny, inspires confidence and is found to be trustworthy and reliable, it can form the basis of conviction and the absence of some independent witness of the locality does not in any way affect the creditworthiness of the prosecution case"*

7.2. As per the Judgment, the Hon'ble Supreme Court has held that there exists no statutory provision precluding the acceptance of police testimony, nor is it requisite that such testimony be corroborated by the evidence of private individuals. Provided that upon careful scrutiny, the police evidence is found to be credible and admissible, the absence of private witnesses to the incident shall not be detrimental to the prosecution's case. Consequently, this Court is of the considered opinion that the aforementioned submission advanced on behalf of the accused is legally untenable. Furthermore, having duly considered the examination-in-chief and cross-examination of P.W-1 to P.W-3, their testimony has in no way prejudiced the prosecution's case. Moreover, it is apparent that their testimonies are mutually consistent and they have deposed clearly regarding all particulars of the incident. Therefore, this Court determines that the rejection of their evidence solely due to the absence of private

witnesses would not be consonant with the administration of justice. Thus the prosecution side has prove the guilt of the accused under section 4(i)(a) TNP Act.

7.3) In the present case, the accused is charged against under section 4(i)(h) TNP Act. As per the section 4(i)(h) TNP Act, the bottling of any liquor for purposes of sale has been prohibited. In the present case, it is the case of the prosecution that the accused was found with 1. 180 ML MGM Diamond XXX Rum-3, 2.90 ML of OLD SECRET STRONG XXX RUM - 5. However, the prosecution side has nowhere stated that the accused bottle the said liquor. Thus the prosecution side has failed to establish that the accused at bottle the present liquors for sale. Thus, ingredients of section 4(1)(h) TNP Act is not made against accused. Thus section 4(1)(h) TNP Act is not made out the against accused.

8) In the result the Accused is found not guilty under sections 4(1)(h) TNP Act, and the Accused is found guilty under sections 4(1)(a) TNP Act and is sentenced to a fine of Rs.1000/- only u/s. 255(2) Crpc. No imprisonment imposed.

9) C.P. No. 266/2023 is ordered to be destroyed as per the procedure under the Criminal Rules of Practice after the expiry of appeal duration. If no appeal for the case, the bond executed by the accused to be canceled. Since the one Scooty Streak

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bearing registration number TN 23 BL 6025 is holding interim custody of the case property is ordered to retain the same permanently and any bond executed by him the stands canceled.

**Particulars Under Rule 106 of Criminal Rules of Practice 2019**

Sl. No	Name of the Police Station and Cr.No.	Description of the accused					Date of										Explanation of Delay
		Name	Fathers name or Husband name	Occupation	Residence	Age	Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence or Order	Service of Copy of Judgment on accused		
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
1	Tirupathur Town Police Station in Cr. No.198/2023	Dhinesh Kumar	Boopathi	Cooli	Ponni amman Kovil Street	26	30.05.2023	30.05.2023	01.09.2023	03.06.2023	-	07.11.2023	16.02.2026	10.03.2026	-	-	

Dictated by me, directly typed by the Steno-Typist, and corrected and pronounced by me in the open court on this 10<sup>th</sup> day of March 2026.

**SD/-K.S. Dinesh, B.A., B.L., (Hons.)  
Judicial Magistrate No.1  
Tirupathur**

**Annexure :-**

**Prosecution side witnesses:-**

1)	P.W-1	: Tr.Kumar
2)	P.W-2	: Tr.Senthil
3)	P.W-3	: Selvi.Shivanya

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**Prosecution side Exhibits:-**

1)	Ex.P-1	: Seizer Mahazar
2)	Ex.P-2	: 2 <sup>nd</sup> Signature of Seizure Mahazar
3)	Ex.P-3	: First Information Report
2)	Ex.P-4	: Form 95

**Defense Side Witness, Exhibits and Material objects : NIL**

**NOTE :-**

- 1) No witness was detained for more than three days without examination.
- 2) The accused was on bail during trial.
- 3) The police had been informed of the judgment.

**SD/-K.S. Dinesh, B.A., B.L., (Hons.)  
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