



Crl.O.P.No.16944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 09.09.2024

Pronounced on: 12.09.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16944 of 2024
& Crl.M.P.Nos.10191 & 10192 of 2024

Natarajane.

.... Petitioner/ Accused No.2

/versus/

1. State Rep. by Inspector of Police,
CBCID Police Station,
Pondicherry.

.... 1st Respondent/Complainant

2. A Suresh Raj,
Special Officer,
Office of the District Collector,
Department of Revenue and Disaster Management,
Puducherry.

.... 2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records of the case in S.T.C.No.2727 of 2021 before the Judicial Magistrate No.1, Puducherry and quash the same against the petitioner herein.

For Petitioner : Mr.E.Chandrasekaran.

For Respondents : Mr.K.S.Mohan Dass,
Public Prosecutor (Pondy).
Asst. by Ms.N.Dhanalatchoumi



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ORDER

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The Criminal Original Petition is filed by the second accused to quash the S.T.C.No.2727/2021 on the file of Judicial Magistrate No.1, Pondicherry.

2. The gist of the case against the petitioner herein/A2 is that, on 06/01/2021, the parents and other relatives of the District Collector, Pondicherry visited the Collectorate and waiting in the Collector's cabin. One of them sought water and it was supplied by Sivakumar (A-1). The guest by name Rajiv who took a sip of the colourless liquid offered to him as water, since he felt burning sensation in his mouth, he spit it out immediately and warned others not to take the liquid offered as water. In this regard, on the instruction of the Collector, the complaint was lodged by the Special Officer attached to the Collectorate on the next day and the same was taken up for investigation in Crime No:08/2021 dated 07/01/2021 against unknown persons for offence under Section 284 of I.P.C.

3. In the complaint, it was informed to the SHO, D-Nagar Police Station that water bottle served to the cabin of Collector on



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06/01/2021 at around 11.45 am during an official meeting held in the chamber of District Collector, contained toxic liquid instead of water.

The one litre pet bottle with sticker containing the brand name “Swiss Fresh” packed drinking water was handed over to the SHO along with the complaint to facilitate enquiry into the incident which was suspected to be a threat to the concerned Officer (District Collector).

4. On completion of investigation, the final report filed as against Sivakumar and Natarajane both temporary staff engaged at the office of the Collector during the Covid-19 epidemic period. The final report, disclosed that Natarajane kept the colourless liquid in the Almirah of the Collector’s P.A office room and Sivakumar took it and served to the family members of the District Collector. Thus, they both in furtherance of common intention committed an act of negligence endangering the life of human being, punishable under section 284 r/w 34 of I.P.C.

5. The Learned Counsel for the petitioner submitted that the prosecution has failed to place evidence to make out any offence cognizable. There is no material to show the petitioner had any lack of



diligence nor nexus to the alleged act of serving the liquid found in the pet bottle in the name "Swiss French". The case of the prosecution is that this petitioner had put sanitizer in the pet bottle carrying the label "Swiss French" and kept it in the Almirah of the Collector's PA cabin. The liquid in the pet bottle was served by Sivakumar to the Collector's guest who were present in the Collector's cabin. There is no evidence of meeting of mind between these two accused to share common intention.

6. That apart, the liquid in the bottle seized and the samples sent for laboratory are not one and the same. The Lab report say, a can containing 5 litres colourless liquid, a bottle containing one litre colourless liquid and a sanitizer bottle labelled as 'Filma Hand wash' were received by the lab for test. In all these three liquids, the presence of ethyl alcohol is noted. The percentage of the said substance is conspicuously absent. Further, the description of the exhibits mentioned in the Examination report of the Central Forensic Science Laboratory, Hyderabad does not tally with the exhibits seized under mahazar. Particularly, the liquid in the "Swiss French" pet bottle which was alleged to have served by the petitioner not sent for analysis. Exhibit -2 mentioned in the test report says, one litre plastic jar said to contain



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colourless solution, whereas, what was handed over by the complainant to the Police in the presence of witnesses is a one litre bottle containing colourless liquid in name and style as “Swiss French”.

7. Per contra, the learned Public Prosecutor, relying upon the C.C.T.V footage of the Collector’s cabin and the statements of the Praveen Kumar Garg, the father of the District Collector, A.Suresh Raj the Special Officer at the Office of the Collector, Arockkianathan, the Despatch Clerk in the Collector’s office and Rajiv who sipped the liquid, contented that it is evident that, the bottle containing sanitizer kept in the Almirah of the PA’s cabin been taken by this petitioner (Natarajane) and given to Sivakumar for serving it to the guest of the collector. The act of serving sanitizer for the guest who asked water to drink is a grave negligence endangering the life.

8. Heard the Learned Counsel for the petitioner and the Learned Public Prosecutor for the respondents. Records relied by the prosecution in support of their case perused.

9. The specific case of the prosecution as projected in the



final report and the statement of A.Sureshraj who is the complainant, is that the liquid from the bottle which labelled as "Swiss Fresh", was served to the guests of the collector. One of them (Rajiv) took a sip of it and felt burning sensation. On the instruction of the District Collector, he preserved the bottle and handed it over to the SHO along with the complaint. Later, the content of the bottle was found to be water mixed with ethyl alcohol.

10. In his statement, Mr.Rajiv Thukral, the guest of the District Collector who tasted the colourless liquid, served by the first accused Sivakumar, had stated that since on sipping it, he felt a burning sensation, he spit it out immediately. He went to the rest room and washed his mouth. After some time, he became alright and there was no sensation in his mouth. He did not take any treatment. He, on the next day (07/01/2021) left to Ludiyaana.

11. The search and seizure form in respect of the bottle containing colourless liquid which later found presence of ethyl alcohol is witnessed by Vijayakumar and Pachivannan, UDC - DRDM. The description of the object seized under the seizure mahazar is specifically



mentioned as a one litre bottle containing colourless liquid in the name and style "Swiss French". Form 95 sent to the court, also describes the object as, a sealed **one litre bottle** containing colourless liquid in the name and style of "**Swiss Fresh**". This object was sent to the court on 08/01/2021 along with Form 95. However, what was sent to the lab is a '**one litre plastic jar** containing colourless solution', along with a five litre plastic jar said to contain colourless solution and one plastic jar said to contain Fiama Hand Wash. Thus, it is clear from the description of exhibits sent for analysis, that irrelevant materials been sent for analysis and not the relevant material i.e., the sealed bottle with label "swiss French".

12. Therefore, it is doubtful whether the prosecution has sent to the lab the suspicious liquid alleged to have served to Rajiv which caused burning sensation to him. To charge the petitioner along with A1 for the offence under section 34 of I.P.C, there is no evidence placed by the prosecution that this petitioner/A2 along with the other accused in furtherance of common intention, served a colourless liquid containing



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ethyl alcohol as drinking water to the guest of the Collector. Also as stated above, there is no evidence that the liquid served to the guest of the Collector was a poisonous substance to charge them under Section 284 I.P.C.

13. For the reasons stated, the case in S.T.C.No.2727/2021 is liable to be quashed against both the accused. Accordingly, this Criminal Original Petition No.16944/2024 is allowed. Consequently, connected Miscellaneous Petitions are closed.

12.09.2024

Index :Yes/No.
Speaking Order/Non-Speaking Order.
bsm

To:-

1. The Judicial Magistrate No.1, Puducherry.
2. The Inspector of Police, CBCID Police Station, Pondicherry.
3. The Public Prosecutor (Puducherry), High Court, Madras.



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DR.G.JAYACHANDRAN,J.

bsm

Pre-delivery order made in
Crl.O.P.No.16944 of 2024

12.09.2024