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Crl.R.C No.481 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C No.481 of 2025

and

Crl.M.P No.6071 of 2025

N.Yashvanth Kumar

... Petitioner

..Vs.

State Rep.by
The Inspector of Police,
Perur Prohibition and Excise Wing-II
Coimbatore District
Crime No.1009 of 2014

... Respondent

Prayer: This Criminal Revision Petition is filed under Section 397 & 401 of Criminal Procedure Code, to set aside the judgment dated 19.03.2018 passed in Crl.A.No.41 of 2017 by the learned III Additional District and Sessions Judge, Coimbatore partly allowed the order of the learned Judicial Magistrate No.I, Pollachi made in S.T.C No.1183 of 2015 dated 25.01.2017.

For Petitioner : Mr.J.Venkatraman

For Respondent : Mr.A. Gopinath
Government Advocate (Crl.Side)



Crl.R.C No.481 of 2025

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ORDER

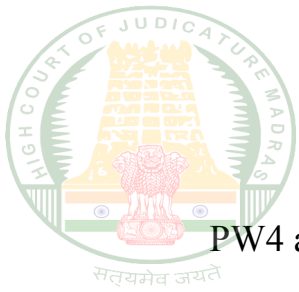
This criminal revision has been filed as against the judgment dated 19.03.2018 passed in Crl.A.No.41 of 2017 by the learned III Additional District and Sessions Judge, Coimbatore, thereby partly allowed the appeal as against the order of conviction and sentence imposed by the trial Court / Judicial Magistrate No.I, Pollachi dated 25.01.2017, for the offences under Section 4(1)(a) of the Tamil Nadu Prohibition Act.

2. The petitioner and two accused were charged for the offence punishable under Section 4(1)(a) of Tamil Nadu Prohibition Act alleging that on 23.09.2024 at about 8.30 a.m, near Kinathukadavu bus stand, on the Coimbatore Pollachi Main Road, the petitioner and two accused were found to be transporting liquor manufactured in Karnataka and Kerala in violation of the provisions of the Tamilnadu Prohibition Act 1937 . After completion of investigation, the respondent filed a final report and the same was taken cognizance by the trial Court. In order to bring home the charges, the prosecution had examined PW1 to PW7 and marked Ex.P1 to P7 . The prosecution produced the material object-1. On the side of the accused, no one was examined. On perusal of the oral and documentary evidence, the trial Court convicted the petitioner for the



offence under Section 4(1)(a) of the Tamilnadu Prohibition Act 1937 and sentenced him to undergo 3 months rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo 2 weeks simple imprisonment. Aggrieved by the same, the present revision is filed.

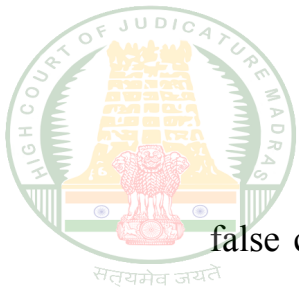
3. The learned counsel for the petitioner would submit that the entire case is false one as against the petitioner and due to previous enmity between the Sub Inspector of Police and the petitioner, a false case has been foisted against the petitioner. No prosecution witnesses deposed to prove the charge. Originally, a FIR was registered on 23.09.2014 in Crime No.295 of 2014 on the file of the Sub Inspector of Police, Kinathukadavu Police Station. Thereafter, another FIR was registered in Crime No.1009 of 2014 on 03.12.2014 on the file of the Sub Inspector of Police, Perur Prohibition and Excise Wing-II. However, the prosecution failed to examine the person who registered the first FIR. The material objects were prepared belatedly to connect the petitioner with a malafide intention. The material objects were recovered from the Maruthi Omni Van on 23.09.2014. But, the material objects were produced before the trial Court on 26.09.2014. Except the police officer, no one was examined. Though two mahazar witnesses were examined as



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PW4 and PW5 as they were turned hostile and did not support the case of the prosecution. Therefore, the entire conviction cannot be sustained and the same is liable to be set aside. The learned counsel for the petitioner further submitted that in fact, the vehicle which allegedly carried the bottles was confiscated by the respondent and subsequently, the confiscation order was challenged and the same was allowed. This Court also recorded that the provisions of Section 14 (4) of Tamilnadu Prohibition Act were not followed. If any reinvestigation has been done in the matter, after the passing of the impugned order, can be ignored. Therefore, the entire conviction cannot be sustainable and prays to allow this revision.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner and two accused were found in possession of 750 millilitres Officers Choice VSOP Brandy, one bottle of 375 ml of Goanas Wine, two bottles of 60 ml Mc Dowels Brandy manufactured in Karnataka besides two bottles of 1000 ml Rock Bottom XXX Rum manufactured in Kerala. In fact, after the conviction, the three accused were undergone the imprisonment period and later, they were released. Though the petitioner raised the grounds that, with a malafide intention a



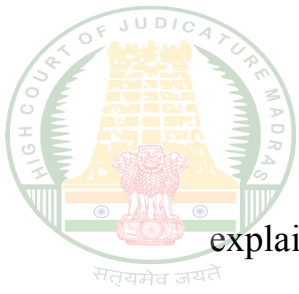
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false case has been foisted against the petitioner, the petitioner failed to prove the same before both the trial Court and Appellate Court.

Therefore, the concurrent findings and the conviction under Section 4(1)(a) of TNP Act cannot be disturbed by this Court and prayed for dismissal of this revision.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Totally there are three accused, in which the petitioner is arrayed as first accused. Except the police personnel, no one was examined by the prosecution to corroborate their evidence. In fact, even between PW1 to PW3, there were contradictions on factual material. The mahazar witnesses PW4 and PW5 were turned hostile before the trial Court. Therefore, there was no witness for recovery. Further, the Sub Inspector of Police, Kinathukadavu Police Station had registered a FIR in Crime No.295 of 2014 on 23.09.2014 for the very same set of allegations. Thereafter, it was transferred to the file of the Sub Inspector of Police, Perur Prohibition and Excise Wing-II, and registered a FIR in Crime No.1009 of 2014 on 03.12.2014. However, the prosecution failed to



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explain the delay for sending the said FIR. In the meanwhile, immediately after the registration of the FIR in Crime No.295 of 2014 on the file of the Kinathukadavu Police Station, the petitioner lodged a complaint. Therefore, it was kept pending and after registering the complaint lodged by the complainant, it was sent to the Perur Prohibition and Excise Wing-II. Only thereafter, another FIR was registered in Crime No.1009 of 2014 which shows that the prosecution failed to prove the case beyond any reasonable doubt. Though the material objects were recovered on 23.09.2014, it was produced before the trial Court only on 26.09.2014. There was an unexplained delay of three days. In overall circumstances, a false case has been foisted against the petitioner and convicted him. In fact, the appellate Court set aside the sentence of imprisonment since the trial Court conducted the case as summary procedure and as per Section 15(A) of Tamilnadu Prohibition Act, 1937, if the case and offence under the Act is tried under the summary procedure, as a result of such trial, no sentence except a sentence of fine shall be imposed. Therefore, the entire conviction for the offence punishable under Section 4(1)(a) of TNP Act cannot be sustainable and the same are liable to be set aside.

7. In view of the above, the judgment dated 19.03.2018



Crl.R.C No.481 of 2025

WEB COPY

passed in Crl.A.No.41 of 2017 by the learned III Additional District and Sessions Judge, Coimbatore, thereby partly allowed the appeal as against the order of conviction and sentence imposed by the trial Court / Judicial Magistrate No.I, Pollachi in S.T.C No.1183 of 2015 dated 25.01.2017, for the offences under Section 4(1)(a) of the Tamil Nadu Prohibition Act, are hereby set aside and the petitioner is acquitted of all charges in S.T.C No.1183 of 2015 on the file of the learned Judicial Magistrate No.I, Pollachi. Fine amount, if any paid, shall be refunded to the petitioner forthwith. Bail bonds, if any executed, shall stand cancelled.

8. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected miscellaneous petition is closed.

25.08.2025

Index:Yes/No
Internet:Yes/No
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Crl.R.C No.481 of 2025

G.K.ILANTHIRAIYAN,J

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To

1. The III Additional District and Sessions Judge, Coimbatore
2. The Judicial Magistrate No.I, Pollachi
- 3.The Inspector of Police,
Perur Prohibition and Excise Wing-II
Coimbatore District
4. The Public Prosecutor,
High Court of Madras, Chennai.

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and

Crl.M.P No.6071 of 2025

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