



Crl.R.C.(MD)No.442 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.442 of 2022

and

Crl.M.P.(MD)No.5837 of 2022

1.Jothiramalingam

2.Pandi

... Appellants/
Petitioners/
Accused No.1 & 2

Vs.

State rep. by its
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.157 of 2019)

... Respondent/
Respondent/
Complainant

Prayer : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for records in C.A.No.5 of 2021 dated 29.10.2021 on the file of Principal District and Sessions Court, Ramanathapuram confirming judgment passed in C.C.No.116 of 2019 dated 07.01.2021 on the file of the learned Judicial Magistrate, Paramakudi, set aside the same and allow this revision.



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For Petitioners : Mr.C.Susi Kumar

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed challenging the impugned judgment of the learned Principal District and Sessions Judge, Ramanathapuram in C.A.No.5 of 2021 dated 29.10.2021 confirming the conviction and sentence passed by the learned Judicial Magistrate, Paramakudi in C.C.No.116 of 2019 dated 07.01.2021. The conviction and sentence is as follows:

S. No.	Case No.	Conviction for the offence under Section	Sentence of imprisonment	Fine	Default sentence
1.	C.C.No.116 of 2019	4(1)(aaa) of Tamil Nadu Prohibition Act	to undergo simple imprisonment for a term of three months	Rs.10,000/-	three months simple imprisonment
2	C.A.No.5 of 2021	4(1)(aaa) of Tamil Nadu Prohibition Act	to undergo simple imprisonment for a term of three months	Rs.10,000/-	three months simple imprisonment

2.1 Brief facts of the case:

On 22.05.2019 at around 10.00 p.m., when the respondent police



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along with his team were on patrol duty, they found that the petitioners were in possession of 926 liquor bottles. The petitioners did not have any licence for possession of the same. Hence, the respondent police registered a case in Crime No.157 of 2019 for the offence under Section 4(1)(aaa) of TNP Act and after completing the investigation, filed a final report and the same was taken on file in C.C.No.116 of 2019 on the file of the Judicial Magistrate, Paramakudi.

2.2. The learned Judicial Magistrate summoned the petitioners and framed the necessary charges and questioned the petitioners and the petitioners pleaded not guilty and claimed to be tried.

2.3. After appearance of the petitioners, copies of records were furnished to them under Section 207 Cr.P.C. The learned Trial Judge, on perusal of records and on hearing both sides and being satisfied that there existed a *prima facie* case against the petitioners, framed charges and the same was read over and explained to them and on being questioned, the petitioners denied the charges and pleaded not guilty and stood trial.



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2.4.The prosecution, in order to prove its case, had examined 4 witnesses as P.W.1 to P.W.4, exhibited 5 documents as Ex.P.1 to Ex.P.5 and marked 1 material object as M.O.1.

2.5.When the petitioners were examined under Section 313(1)(b) of Cr.P.C., with regard to incriminating aspects against them, they denied the evidence as false and further stated that a false case has been foisted against them. The defence adduced neither oral nor documentary evidence.

2.6.The learned Trial Judge, considering the materials and circumstances found that the petitioners in C.C.No.116 of 2019 were guilty and passed the conviction and sentence against the petitioners as stated above. Aggrieved over the same, the petitioners filed an appeal before the Principal District and Sessions Judge, Ramanathapuram in C.A.No.5 of 2021 and the same was dismissed on 29.10.2021 by confirming the conviction and sentence imposed by the learned Trial Judge. Challenging the concurrent finding of the Courts below, the petitioners herein have filed this Criminal Revision Case before this Court.



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3. The learned counsel appearing for the petitioners would submit that all the prosecution witnesses are police officials and no independent witness was examined, that only on the basis of the evidence of official witnesses, the conviction has been passed, that non-examination of the independent witnesses is fatal to the case of the prosecution and that there are many contradictions in the evidences of prosecution witnesses regarding the place of occurrence. He would further submit that the contradictions found in the prosecution case, would clearly show that the present case is concocted one and there is no convincing evidence to convict the petitioners and that there was a delay in dispatching the FIR and the delay is fatal to the case of prosecution which was not properly explained by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one from the public was willing to attest the observation mahazar, seizure mahazar, etc., and non-examination of the independent witness will not be fatal and that P.W.1 to P.W.4 have deposed cogently and there is no reason to discard their evidence and their evidence is natural, cogent, convincing and trustworthy



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and hence, the same is reliable. She would further submit that minor contradictions as stated by the learned counsel appearing for the petitioners, will not go to root of the case. Hence, the trial Court had rightly appreciated the evidence of prosecution side witnesses and convicted the petitioners, which does not warrant any interference of this Court.

5. This Court considered the rival submissions made on either side and perused the materials available on record and also the impugned judgement passed by the learned trial judge.

6. The police requested the general public and neighbours, but they refused to come as witness. So, there is no chance for the prosecution to examine any independent witness. So, non-examination of the independent witness is not fatal to the case of the prosecution.

7. Delay in forwarding the F.I.R. and seized articles to the Court does not, by itself, warrant rejection of the prosecution case in its entirety.



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8. The evidences of P.W.1 to P.W.4 reveal that there are no material contradictions as stated by the learned counsel appearing for petitioners. The minor contradictions projected by the learned counsel appearing for the petitioners, will not make the prosecution case false. The prosecution had clearly proved possession and recovery of contraband, through evidence of P.W.1, which had been corroborated by P.W.2 and P.W.3.

9. In the said circumstances, this Court does not find any infirmity in the judgement and conviction rendered by the Courts below. Therefore, this Court confirms the conviction passed by the court below under Section 4(1)(aaa) of TNP Act.

10. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners had already paid the fine amount and seeks reduction of sentence.

11. Considering the various mitigating circumstances such as age of the petitioners and they being the breadwinners of the family, this Court is inclined to reduce the sentence of imprisonment. The Criminal Revision is



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partly allowed. The conviction of the petitioners under Section 4(1)(aaa) of TNP Act IPC is maintained but the sentence is reduced to the period already undergone which appears to be about three months. The sentence of payment of fine is not disturbed. If the petitioners have not paid the amount of fine, they will pay such amount within 4 weeks. Consequently, connected Miscellaneous Petition is closed.

19.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
csm

To:

- 1.The Principal District and Sessions Judge,
Ramanathapuram.
- 2.The Judicial Magistrate,
Paramakudi.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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