



Crl.OP(MD)No.22848 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED :12.12.2025**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Crl.O.P.(MD).No.22848 of 2025**  
**and Crl.M.P(MD).Nos.19787 and 19788 of 2025**

Aravind Kumar

... Petitioner/Sole Accused

**Vs.**

State rep. ,by  
The Inspector of Police,  
Aruppukottai Town Police Station,  
Virudhunagar District.  
Crime NO.179 of 2022

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of proceedings of STC.No.416 of 2025 filed under Section 8(c) and 20(b)(II)(A) of NDPS (Narcotic Drugs and Psychotropic Substance) Act, 1985 against the petitioner, on the file of the Judicial Magistrate Court, Aruppukottai, Virudhunagar District quash the same.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr.M.Sakthikumar  
Government Advocate (Crl. side)



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**ORDER**

Seeking to call for the records pertaining to the case in STC.No. 416 of 2025 on the file of the learned Judicial Magistrate, Aruppukottai, Virudhunagar, this Criminal Original Petition is filed.

2. Mr.R.Murugappan, learned counsel for the petitioner, categorically contended that the valid offence is that the petitioner was in possession of 120 gms of ganja. However, the prosecution has failed to examine even a simple independent witness. In the absence of the same, the case should go.

3. Mr.M.Sakthi Kumar, learned Government Advocate (Crl.side), appearing for the respondent, on instructions, submitted that the crucial question is not the availability of an independent witness, but the possession of the contraband by the accused.

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



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5. Considering the submissions made, this Court is of the view that the absence of independent witness is not a bar to initiate action against any person, who is in possession of contraband. If at all the petitioner is innocent, that would be tested before the trial Court and he will be given an appropriate relief. Directing the petitioner's counsel to take this as a defence before the learned trial Court that no independent witness was examined and no rough sketch was also filed before the trial Court, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

**12.12.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Rmk

To

- 1.The Inspector of Police,  
Aruppukottai Town Police Station,  
Virudhunagar District.
- 2 The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

*Rmk*

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