

**IN THE COURT OF SPECIAL ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, THRISSUR.**

Present: **Smt. Alpha Mamai K., Additional Chief Judicial Magistrate.**

Dated this, the 25th day of **March, 2026.**

CMP : 1800/2025 in CC 30/2015

(Cr. No. 377/2011 of Mananthavady Police Station)

(CBCID Cr. 501/CR/EOW III/KKD/11)

Petitioner/Accused : Pramodkumar, S/o. Kunju, Pulikkal
no.15. House, Pulakode, Kalladam, Chelakkara,
Thrissur.

(By Advocate. Sri. Manoj Simon)

Respondent/ : State represented by the Deputy
Complainant Superintendent of Police, CBCID EOW
III, Kannur Sub Unit.

(Crime no.377/2011 of Mananthavady
Police Station).

(CBCID Cr. 501/CR/EOW III/KKD/11).

(By Sri. Ananthakrishnan P.A., Assistant
Public Prosecutor, Court of Additional
Chief Judicial Magistrate, Thrissur.)

Petition : U/s.239 Cr.P.C.

Order : Dismissed.

ORDER

1. This is a petition filed u/s. 239 Cr.P.C., by the accused no.15, in CC 30/2015 on the file of this court, seeking discharge, in the case.

2. Petition averments are, as follows:-

Petitioner is the accused no.15 in the above case. The petitioner has not committed any offences as alleged. The entire allegation levelled against the petitioner in the above case is false, frivolous and concocted. There is no document produced to prove the connection and involvement of the petitioner, in the above case. The petitioner has not induced either the complainant or anyone else and not received any illegal money, as alleged. The petitioner has no acquaintance with the witnesses, in the above case. There is no prima facie evidence against the petitioner. Hence, seeks to discharge the petitioner, in the above case.

3. Objection was filed by the learned Assistant Public Prosecutor, as follows:-

The averments in the petition, are factually incorrect and legally unsustainable. The petition filed by the accused, is devoid of merit and hence liable to be dismissed. There are sufficient ingredients to constitute the offences punishable under sections 120B, 406, 420 r/w 34 of the Indian Penal Code and sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, against the accused/petitioner. The accused/petitioner is the Promoter of Nano group of Companies. The activities undertaken by the accused clearly amount to a "Money circulation scheme" as defined under the Prize chits and money circulation scheme (Banning) Act, 1978. Ingredients of the offences under section 120B, 420 and 406 r/w 34 of the Indian Penal Code are well surfaced in this case. Hundreds of customers complained that they were cheated. Crores of rupees were collected by the accused by operating the scheme. Moreover, low quality products were sold by the company by making false representation. The accused had the intention to cheat from the very inception, and inducement from the side of the company and the accused persons, and delivery of property upon such inducement, are well established from the statements

and documents produced by the prosecution. There is also entrustment of money to the company. The common intention of the accused at the time of inducement prima facie establishes the offence of cheating under sections 406 and 420 r/w 34 of the Indian Penal Code. The ingredients of Section 34 of the Indian Penal Code are attracted in the context of money circulation scheme; common intention refers to the shared objective among promoters and participants to engage in activities that leads to financial gain through deceitful means, which includes inducing new members to join under false pretenses sharing the ill-gotten gains derived from the contributions of new members. The malafide deed of the accused such as, printing and publishing for the purpose of sale or distribution, documents for the purpose of inviting and inducing persons to enroll as a member or participate in money circulation scheme is very much clear from the evidence collected. In *Achamma Chacko v. Government of Kerala and Others* reported in 2007 (2) KLT SN 68, it was held that, the mere conduct of the parties is sufficient to presume the offence under the Prize Chits and Money Circulation Schemes (Banning) Act. In *Gold Quest International Pvt. Ltd. and Another v. State of Tamil Nadu* 2003 0 supreme (mad) 627, it was held that, the scheme must involve the enrollment of members, where the financial benefits depend on the number of new members recruited. And the Honourable Court emphasized that, the scheme should be evaluated as a whole considering both promoters and members perspectives. The Supreme Court in *State of West Bengal and Others v. Swapankumar Guha*, AIR 1982 SC 949, established that two conditions must be satisfied for liability under the Prize Chits and Money Circulation Banning Scheme Act, 1) The scheme must be for making quick or easy money, and 2). The opportunity for such earnings must depend on the enrolment of member. From the documents seized like bank account statements, brochures, etc., it is clear that, the accused were doing the business of money chain and the accused were committing cheating. In 2024 (4) Crimes 276 (J&K), the Honourable High Court of Jammu & Kashmir held that, at the time of framing charge or discharge of accused, there has to be proper application of

mind by the magistrate. Test regarding sufficiency of proof, which court is required to apply at the final disposal of the case, are not to be applied at the stage of framing charge. In 2025 (1) Crimes 329 (SC), the Honourable Supreme Court of India held that, at the time of framing of charge, even a very strong suspicion founded upon materials and presumptive opinion would enable court to frame charge against the accused. In 2025 (1) Crimes 242 (SC) the Honourable Supreme Court of India held that, by its very nature, discharge is at a higher pedestal than acquittal. Moreover, at the time of framing of charge, the probative value of the materials on record, cannot be gone into. There is *prima facie* case against the accused, as per the prosecution records. Hence, seeks to accept the objection and dismiss the discharge petition, filed by the accused/petitioner.

4. Heard both sides.

5. CC 30/2015 on the file of this court, is a case based on the final report filed by the Deputy Superintendent of Police, CBCID EOW III, Kannur Sub Unit, against accused 25 in numbers, alleging offences punishable, under sections 120B, 420 r/w 34 of the Indian Penal Code and sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

6. After investigation, the final report was filed before the court of the Honourable Chief Judicial Magistrate, Kalpetta, and was taken on file as CC 655/2015, on the file of that court. In the year 2023, the case was transferred to this court, Court of Additional Chief Judicial Magistrate, Thrissur. On receipt of case records in this court, the case was taken on file as, CC 30/2015 on the file of this court.

7. Case of the prosecution, is as follows:-

Accused with intend to commit cheating, by conducting money circulation

business, banned as per section 3 of The Prize Chits and Money Circulation Schemes (Banning) Act, 1978, in furtherance of their common intention, and by committing criminal conspiracy, with intend to cheat public, and to obtain wrongful gain, accused nos.4 and 8 as the Directors, formed accused no.1 company named Nano Excel Enterprises Private Limited on 12/07/2007, and thereafter, accused nos. 4, 5 and 8 as Directors, formed accused no.2 company named Nano Excel Corporation Limited on 01/01/2010, and in addition to the above companies, formed companies named Nano Power Corporation, Nikhil Nano Ceuticals, and Nanotel Hotels & Resorts, and thereafter, accused nos. 4 to 11 promoted the illegal money circulation business through newspapers, company brochurs and booklets, and accused no.s 5, 12 to 25 led the promotion classes, and also by making false promise of returning ten times more amount within a short span of time and income for a period of 50 years, fraudulently and dishonestly induced CW1 M. Karunakaran to deliver Rs. 25,000/- on 22/09/2010, to the account no. 31093048591 of Nano Excel Corporation, though SBI, Mananthavady Branch, and thereby altogether obtained an amount of about 300 crores of rupees from the general public, including Rs. 25,000/- from CW1, and later on 01/07/2010, accused no.4 signed in a Memorandum Of Agreement (MOA) with Arunachal Pradesh Government for starting a Hydro Electric Project in the name of company named Nano Excel Power Corporation Limited, which was not in existence at that time, and thereafter, did not took any further action, neither gave profits as promised, nor returned the amount obtained and thereby committed cheating on general public including CW1, and conducted illegal money circulation business, and thereby committed offences punishable under sections 120B, 420 r/w 34 of the Indian Penal Code and section 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

8. The prosecution in this case was initiated by CW1/defacto complainant M. Karunakaran, by preferring an First Information Statement, to the Superintendent of Police, Wayanad, Kalpetta on 06/07/2011. The said First Information Statement

was forwarded to the Station House Officer, Mananthavady Police station, and accordingly, First Information Report in this case was registered on 06/07/2011.

9. After investigation, the Investigating Officer, Deputy Superintendent of Police, CBCID EOW III, Kannur Sub Unit filed final report, against accused 25 in numbers, accused no.1 Nano Excel Enterprises Private Limited represented by Harish Babu Madineni, accused no. 2 Nano Excel Corporation Limited, represented by Harish Babu Madineni, accused no. 3 Nano Power Corporation Limited, represented by Harish Babu Madineni, accused no.4 Harish Babu Madineni, accused no.5 Patrick Thomas, accused no.6 Sundara Raja Prasanth, accused no.7 Kumari Prasanth, accused no.8 S.B. Chinnarao, accused no.9. Radha Raja, accused no. 10 K. Meera Harish, accused no. 11 P.P. Ranga Reddy, accused no.12 Muhammed Asharaf, accused no.13 Swaminathan S., accused no.14 Sajeev Karun @ Sajeev Karunan, accused no.15 Pramod Kumar, accused no.16 Sasindran V.R., accused no.17 Johnson K. Pulikkal, accused no.18 Ramesan P., accused no.19 C. Ravikrishnan, accused no. 20 Nissar Ahammed, accused no. 21 Jijesh B. Nair, accused no.22 Rejesh B. Nair, accused no.23 Sreejesh B. Nair, accused no.24, accused no. 25 Ranjith K.R. and accused no. 26 Varghese M.M. @ Shaji, alleging offences punishable under sections 120B, 420 r/w 34 of the Indian Penal Code and sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. In the final report, there are, 51 witnesses cited by the Investigating Officer, and CW1 to CW14 are the persons, who are alleged to be cheated by the accused.

10. CW1 to CW14 are the witnesses who are stated to have deposited money in the accused companies. The statements under section 161 Cr.P.C. of CW1 to CW14, and the statements under section 161 Cr.P.C. of CW20 to CW26, who are stated to be the employees of the accused companies at Thrissur and the statement under section 161 Cr.P.C. of CW19 Amandeep Singh, who is stated to have created the website for the accused companies would clearly reveal the illegal money

circulation business conducted by the accused companies and the cheating committed by the accused in the guise of illegal money circulation business. The statements of witnesses under section 161 Cr.P.C. and the documents, produced along with the final report would clearly go to show that, the accused and the accused companies deviated from the object and purpose stated in the Memorandum Of Association and Articles of Association of the accused companies and engaged in illegal money circulation scheme and committed cheating on several persons and obtained crores of rupees by engaging in illegal money circulation business in the name of accused companies and also committed cheating by giving false promises. Various documents including the bank account statements of the accused companies seized and produced along with the final report, to prove the offences alleged against the accused.

11. The documents produced and the statements under section 161 Cr.P.C. of CW15 Johnson P.A., who is stated to be the General Manager at Woodland Hotel, Kalpetta, CW16 Biju Thomas, who is stated to be the General Manager at Haritha Giri Hotel, Kalpetta, CW18 E.C. Muhammed @ Bappu, who is stated to be the Owner of Misba Complex, Mananthavadi where Moonwadiya Hotel is situated, and CW17 Fino, who is stated to be the employee at Brahmagiri Hotel, Mananthavadi, would go to show that, the accused companies conducted promotional classes and meetings in those places, for promoting the illegal money circulation business of the accused companies.

12. CW3 K. Sunilraj, in his statement under section 161 Cr.P.C. stated that, "കമ്പനിയെ കുറിച്ച് കൂടുതൽ അറിയുന്നതിന് മാനന്തവാടി ബ്രഹ്മഗിരിയിൽ വെച്ച് നടക്കുന്ന നാനോ എക്സൽ കമ്പനിയുടെ ക്ലാസ്സിൽ പങ്കെടുക്കണമെന്നും മറ്റും പറഞ്ഞ പ്രകാരം ഞാൻ മാനന്തവാടി ബ്രഹ്മഗിരി ഹോട്ടലിൽ വെച്ച് നടത്തിയ നാനോ എക്സൽ കമ്പനിയുടെ ക്ലാസ്സിൽ പങ്കെടുത്തിരുന്നു. ക്ലാസ്സിൽ നാനോ കമ്പനിയുടെ പ്രമോട്ടർമാരായ ജിജേഷ് ബി. നായർ, ശ്രീജേഷ് ബി. നായർ മുഹമ്മദ് അഷറഫ്, നിസാർ അഹമ്മദ്, കണ്ണൂർക്കാരായ രമേശനും, രവികൃഷ്ണനും, ചേലക്കര പ്രമോദ്യം, പനമരത്തുള്ള രഞ്ജിത്ത്, രാജേഷ് ബി. യും മറ്റും പങ്കെടുത്ത് നാനോ കമ്പനിയെ

കുറിച്ചും, കമ്പനിയുടെ പ്രവർത്തനങ്ങളെക്കുറിച്ചും പങ്കെടുത്തു സംസാരിച്ചിരുന്നു. നാനോ കമ്പനിയിൽ ചേർന്നാൽ മൂന്നു വർഷം കൊണ്ട് മുടക്കിയ മുതലിന്റെ മൂന്നിരട്ടി ലാഭം കിട്ടുമെന്നും മറ്റും കമ്പനിയുടെ എം.ഡി. ഹരീഷ് ബാബു മദിനേനി ആണെന്നും പാട്രിക് തോമസ് ഡയറക്ടറാണെന്നും മറ്റും പറഞ്ഞിരുന്നു”.

13. CW5 Reji G., in his statement under section 161 Cr.P.C. stated that, “2009 ഓഗസ്റ്റ് മാസം പനമരത്തുള്ള ജിജേഷ് ബി. നായർ, നടവയൽക്കാരൻ ഗോഡ്സൺ, തുടങ്ങിയവർ എൻറെ അടുത്ത് വന്ന് നാനോ എക്സൽ കമ്പനിയെ കുറിച്ച് പരിചയപ്പെടുത്തുകയും, നാനോ എക്സൽ കമ്പനിയിൽ 6000 രൂപ, 12000/- രൂപ, 24000/- രൂപ എന്നീ തുകയുടെ പദ്ധതിയിൽ ചേർന്നാൽ ഒരു വർഷം കഴിഞ്ഞാൽ മുടക്കിയ മുതലിന്റെ പത്തിരട്ടി കിട്ടും എന്നും കൂടാതെ ചേരുന്നവരുടെ ഇടതും വലതും കൂടുതൽ ആളുകളെ ചേർത്താൽ അതിന് പ്രത്യേകം കമ്മീഷൻ ലഭിക്കുമെന്നും പറഞ്ഞ പ്രകാരം ഞാൻ നാനോ എക്സൽ കമ്പനിയിൽ 6000/- രൂപ മുടക്കി ചേർന്നു. 6000/- രൂപ ഞാൻ ഗോഡ്സൺ വശമാണ് കൊടുത്തത്. പൈസ കൊടുത്തതിന് ഗോഡ്സൺ എനിക്ക് രസീത് ഒന്നും തന്നിരുന്നില്ല. അതിനുശേഷം എനിക്ക് നാനോ കമ്പനിയിൽ നിന്നും 26092 എന്ന ID നമ്പർ കിട്ടിയിരുന്നു. മാനന്തവാടി ബ്രഹ്മഗിരി ഹോട്ടലിൽ വെച്ച് നടത്തിയ ക്ലാസ്സിൽ ഞാൻ പങ്കെടുത്തിരുന്നു. ആ ക്ലാസ്സിൽ കമ്പനിയുടെ ഡയറക്ടർ ആയ പാട്രിക് തോമസ് പങ്കെടുത്ത് നാനോ കമ്പനിയെ കുറിച്ചും കമ്പനിയുടെ ഉൽപ്പന്നങ്ങളെ കുറിച്ചും സംസാരിച്ചിരുന്നു. ആ ക്ലാസ്സിൽ നാനോ കമ്പനിയുടെ പ്രൊമോട്ടർമാരായ **പ്രമോദ് കുമാർ ചേലക്കര**, പനമരത്തുള്ള ജിജേഷ് ബി. നായർ, ചേലക്കരക്കാരൻ മുഹമ്മദ് അഷറഫ്, താമരശ്ശേരിക്കാരൻ നിസ്സാർ അഹമ്മദ്, രമേശൻ കണ്ണൂർ, രവികൃഷ്ണൻ തുടങ്ങി നിരവധി ആളുകൾ പങ്കെടുത്തു. കമ്പനിയുടെ പ്രവർത്തനങ്ങളെക്കുറിച്ചും മറ്റും സംസാരിക്കുകയും കമ്പനിയുടെ പ്രസിദ്ധീകരണങ്ങൾ കാണിച്ച് ക്യാൻവാസിങ് നടത്തുകയും ചെയ്തിരുന്നു. കമ്പനിയുടെ എംഡി ഹരീഷ്ബാബു മദിനേനി ആണെന്നും അവർ പറഞ്ഞിരുന്നു. ഗോഡ്സൺ, ജിജേഷ് ബി. നായർ എന്നിവരായിരുന്നു ക്ലാസുകൾ അറേഞ്ച് ചെയ്തിരുന്നത്”.

14. CW6 Sajeesh Kumar, in his statement under section 161 Cr.P.C. stated that, "പനമരത്തുള്ള എൻറെ ബന്ധു ജിജേഷ് ബി. നായരാണ് എന്നെ കമ്പനിയെ പറ്റി പറഞ്ഞു പരിചയപ്പെടുത്തി തന്നത്. കമ്പനിയെ കുറിച്ച് കൂടുതൽ അറിയുന്നതിനായി കൽപ്പറ്റ വുഡ്ലാൻഡ് ഹോട്ടലിൽ വെച്ച് നടക്കുന്ന കമ്പനിയുടെ ക്ലാസ്സിൽ പങ്കെടുക്കണമെന്നും മറ്റും പറഞ്ഞതിനാൽ

എൻറെ അയൽവാസികളായ ഷാലി, ബെന്നി, ബാബു സി. വി. എന്നിവരും ഒന്നിച്ച് ഞാൻ കൽപ്പറ്റ വുഡ്ലാൻഡിൽ എത്തി കമ്പനിയുടെ ക്ലാസിൽ പങ്കെടുത്തിരുന്നു. ആ ക്ലാസിൽ ഈങ്ങാപ്പുഴയുള്ള നിസ്സാർ അഹമ്മദ്, രമേശൻ കണ്ണൂർ, മുഹമ്മദ് അഷറഫ്, **ചേലക്കരയിൽ ഉള്ള പ്രമോദ് കുമാർ**, പാട്രിക് തോമസ് എന്നിവർ പങ്കെടുത്ത് കമ്പനിയെക്കുറിച്ചും കമ്പനിയുടെ ഉൽപ്പന്നങ്ങളെയും അവയുടെ ഉപയോഗത്തെക്കുറിച്ചും സംസാരിച്ചിരുന്നു”.

15. CW8 Sunilmon, in his statement under section 161 Cr.P.C. stated that, “2009 വർഷം ഡിസംബർ മാസത്തിൽ പനമരുത്തുള്ള ശ്രീജേഷ് ബി. നായർ നടവയൽ ഉള്ള ഗോഡ്സൺ എന്നിവർ എന്നോട് കമ്പനിയെ കുറിച്ച് പറഞ്ഞു പരിചയപ്പെടുത്തിയിരുന്നു. 6000/-, 12000/-, 24000/- രൂപയുടെ പാക്കേജുകളിൽ ചേർന്നാൽ ഒരു വർഷം കൊണ്ട് 6 ഇരട്ടി പണം കിട്ടുമെന്ന് പറഞ്ഞതിനാൽ ഞാൻ 6000/- രൂപ മുടക്കി കമ്പനിയിൽ ചേർന്നു. കമ്പനിക്ക് വിവിധതരം ഉൽപ്പന്നങ്ങൾ ഉണ്ടെന്നും, അവ പല അസുഖങ്ങൾക്കും നല്ലതാണെന്നും അവർ പറഞ്ഞിരുന്നു. കമ്പനിയിൽ നിന്നും എനിക്ക് 24403 എന്ന ID നമ്പർ കിട്ടിയിരുന്നു. കുറച്ച് ദിവസങ്ങൾ കഴിഞ്ഞ് എനിക്ക് നാനോ കമ്പനിയിൽ നിന്നും ഒരു ബ്രോസ്ലെറ്റ് കിട്ടിയിരുന്നു അത് ഉപയോഗിച്ച് ഗുണം ഒന്നും ഇല്ലാത്തതിനാൽ വീട്ടിൽ എവിടെയോ ഉപേക്ഷിച്ചു. എനിക്ക് കമ്പനിയിൽ നിന്നും പണം ഒന്നും കിട്ടിയിട്ടില്ല. ഞാൻ കമ്പനിയുടെ ക്ലാസുകളിൽ ഒന്നും പങ്കെടുത്തിരുന്നില്ല. കമ്പനിയിൽ ചേരുന്നതിനുള്ള 6000/- രൂപ ഞാൻ ഗോഡ്സൺ വശമാണ് കൊടുത്തത്. അതിന് രസീത് ഒന്നും എനിക്ക് കിട്ടിയിരുന്നില്ല. ശ്രീജേഷ് ബി. നായർ എന്നെ നാനോ എക്സൽ കമ്പനിയുടെ ബ്രോഷറുകൾ കാണിച്ചിരുന്നു. അതിൽ നാനോ എക്സൽ കമ്പനിയുടെ എംഡി ഹരീഷ് ബാബു മദിനേനിയാണെന്നും, പാട്രിക് തോമസ് ഡയറക്ടർ ആണെന്നും, **പ്രമോദ് കുമാർ**, ജിജേഷ് ബി. നായർ, ജോൺസൺ പുളിക്കൽ, ശശീന്ദ്രൻ വി. ആർ., സജീവ് കരുൺ, വർഗീസ് M.M., പി രമേശൻ, C. രവികൃഷ്ണൻ, നിസാർ അഹമ്മദ്, മുഹമ്മദ് അഷറഫ്, സ്വാമിനാഥൻ തിരുവനന്തപുരം, തുടങ്ങി മറ്റു പലരും കമ്പനിയുടെ പ്രൊമോട്ടർമാരുമാണെന്നും കണ്ടിരുന്നു”.

16. CW9 Shaju, in his statement under section 161 Cr.P.C. stated that, “2009 ഓഗസ്റ്റ് മാസത്തിൽ നടവയലിലുള്ള എനിക്ക് പരിചയമുള്ള ഗോഡ്സൺ O.P. എന്നയാൾ എന്നെ നാനോ എക്സൽ കമ്പനിയെ കുറിച്ച് പരിചയപ്പെടുത്തിയിരുന്നു. നാനോ കമ്പനിയുടെ 6000/- രൂപയുടെ സ്ക്രീമുകളിൽ ചേർന്നാൽ മൂന്നുവർഷംകൊണ്ട് മുടക്ക് മുതലിന്റെ 9 ഇരട്ടി രൂപ

കിട്ടുമെന്നും പറഞ്ഞ് ആയതിന്റെ അടിസ്ഥാനത്തിൽ ഞാൻ 12000/- രൂപ അടച്ച് നാനോ കമ്പനിയിൽ ചേർന്നിരുന്നു. കമ്പനിയിൽ ചേരുന്നതിനുള്ള പൈസ ഗോഡ്സൺ വശമാണ് കൊടുത്തത്. അതിന് എനിക്ക് രസീത് ഒന്നും കിട്ടിയിട്ടില്ല. കുറച്ച് ദിവസങ്ങൾ കഴിഞ്ഞപ്പോൾ എനിക്ക് കമ്പനിയിൽനിന്നും ഒരു ബ്രേസ്‌ലെറ്റ് കിട്ടി. ആ ബ്രേസ്‌ലെറ്റ് ഞാൻ മാനന്തവാടി P.S. Cr. No: 373/2011 കേസിലേക്ക് ഹാജരാക്കി കൊടുത്തിരുന്നു. 2009 ആഗസ്റ്റ് മാസത്തിൽ മാനന്തവാടി ബ്രഹ്മഗിരി ഹോട്ടലിൽ വെച്ച് നടത്തിയ നാനോ എക്സൽ കമ്പനിയുടെ മീറ്റിംഗിൽ ഞാൻ പങ്കെടുത്തിരുന്നു. ആ മീറ്റിംഗിൽ കമ്പനി ഉൽപ്പന്നങ്ങളും അവയുടെ ഉപയോഗത്തെക്കുറിച്ചും വിവരിച്ചു തരുകയും ചെയ്തിരുന്നു. ആ ക്ലാസ്സിൽ കമ്പനിയുടെ എംഡി ഹരീഷ് ബാബു മദിനേനിയാണെന്നും, പാട്രിക് തോമസ് ഡയറക്ടർ ആണെന്നും ക്ലാസിൽ പങ്കെടുത്ത് സംസാരിച്ച ജിജേഷ് ബി. നായർ, പ്രമോദ് കുമാർ, ജോൺസൺ പുളിക്കൽ, പി. രമേശൻ, രവികൃഷ്ണൻ, നിസാർ അഹമ്മദ്, മുഹമ്മദ് അഷറഫ് എന്നിവർ പറഞ്ഞ് അറിഞ്ഞു”.

17. Moreover, CW19 Amandeep Singh, who is stated to have developed the website for the accused companies also, in his statement under section 161 Cr.P.C., has stated in detail about the illegal money circulation business conducted by the accused companies. He has stated that, “I am working as director in Roots Infocomm Ltd., a company registered with Registrar of Companies, Jalandhar, Punjab in the year 2003. The company is in the business of software development, web hosting and SMS services. I have completed Diploma in Computer Engineering from Thapar University, Punjab in 1999. In March 2008 Harish Babu Maddineni contacted me to develop a website for his business on the name of Nano Excel Enterprises Pvt. Ltd. for selling various products through network marketing system, which was later on also used for Nano Excel Corporation Ltd. As per the requirements of Harish Babu Maddineni, MD Nano Excel, for his business I have developed the website and hosted the same in data center located on US in April 2008. We have provided the services of software development, web hosting and SMS services to his company till June 2011. For the above provided services, there was no formal written agreement between us. The domain name registered for the website is www.Nanoexcel.net by me on the behalf of Nano Excel company with registrar www.onlinenic.com, this Nano Excel

website was hosted on a dedicated server with IP address 75.126.101.3 with username 'administrator' and password 'xgbhir90n' and database IP address is 75.126.101.3 with username 'sa' and password 'NANOwsp00998'. The website started functioning in April 2008. It consists four sections, (1) admin section (2) branch section (3) member section (4) public section. For login in admin section separate username 'adminindia' and password 'drharish27' is there. Admin section is operated by the Nano Excel company people and having the facility to manage packages, branches, users, website content and for pin issuance Branch section is operated by Nano Excel branch people and having the facility for pin issuance. Member section is operated by the Nano Excel registered members and having the facility of to view binary tree, downline list, weekly income, member's profile, royalty club and change password Public section is being used by Nano Excel members and other non registered persons and general public to view the company profile, business activities, business plan, bank accounts for money deposit, contact information, products and branch information. When Harish Babu Maddineni contacted for the above website I was told that he is in the business of selling products with network marketing system The method of joining in the Nano Excel is as follows: When a new member deposits money in company's bank account or with any branch, the company Issues a unique PIN number in his sponsor's member panel, By using that PIN, a member can fill up registration form and select the desired package. After that unique ID number and password is allotted to that member by the system. With the help of this ID number and password, that member can login into his personalized member area to view his downline business later on. In the member area there is no facility to view upline information. Every week commission is generated by the system on date specified by the company people and commission list is downloaded from the website by company people for distribution of commission. The business plan is as follows: There are four types of income (1) Direct Referral Bonus: is given to direct referral sponsor of a new sales. (2) Binary Referral Bonus: is given on the basis of business volume generated by the

member on his left and right downline team. Ceiling limit of 1,30,000 is applicable on this binary referral bonus per week. (3) Royalty Bonus is given to the leaders on qualification of the status as star, ruby, pearl, diamond etc. (4) Royalty Club Bonus. The member who purchased the royalty club bonus package is allotted a different ID number in this club. This is a universal club having 4 level board system which splits on completion of all the 15 positions and members of that specific board will get the Royalty Club Bonus and they are further promoted to the next level in the board. In this way he can get the benefit 10 times as per the sales of the company. As per the record of website database, the company has made a sales turnover of Rs. 3,58,60,51,841 (three hundred fifty eight crore sixty lakh fifty one thousand eight hundred forty one) by selling 414274 ID units to 206194 different persons across India, UAE and Philippines. The total commission generated by the system is 3,02,17,32,403 (Three hundred two crore, seventeen lakh, thirty two thousand and four hundred three). The different members Joined the Nano Excel are 1,99,848 in India, 4,087 in UAE, 2,259 in Philippines and total 2,06,194 persons have joined from all these three countries. The members Joined from specific states in India are: 257 from Andaman & Nicobar Islands, 1968 from Arunachal Pradesh, 181 from Assam, 66 from Bihar, 4 from Chandigarh, 231 from Chhattisgarh, 5 from Dadra & Nagar Havell, 11 from Daman & Diu, 406 from Della, 243 from Goa, 5680 from Gujarat, 68 from Haryana, 9 from Himachal Pradesh, 15 from Jammu & Kashmir, 389 from Jharkhand, 4469 from Karnataka, 160827 from Kerala, 52 from Lakshadweep, 67 from Madhya Pradesh, 9337 from Maharashtra, 38 from Manipur, 48 from Meghalaya, 375 from Nagaland, 46 from Orissa, 547 from Pondicherry, 99 from Punjab, 99 from Rajasthan, 34 from Sikkim, 13598 from Tamil Nadu, 1 from Tripura, 412 from Uttar Pradesh, 9 from Uttaranchal, 159 from West Bengal, 98 from Other states and the total members joined in India are 199848. The Persons who have earned the commission more than 1 Crore are from Nano Excel are,

- (1) ID No.3984 on the name of MUHAMMAD ASHARAF K.S

PRAMOD KUMAR K. earned Rs. 1,63,26,236

- (2) ID No. 3987 on the name of SASINDRAN P.R./SAJEEV K. earned Rs.1,42,51,236
- (3) ID No.3623 on the name of UNIVERSAL ASSOCIATE earned Rs.1,40,34,753
- (1) (4) ID No 4006 on the name JAYAN P.G. THRISSUR earned Rs. 1,31,32,386
- (4) ID No.4922 on the name of BIJESH V.S. earned Rs. 1,18,17,609
- (5) ID No.318625 on the name of RAMESAN P. KANNUR earned Rs.1,13,97,994
- (6) ID No.5325 on the name of MUHAMMAD ASHARAF earned Rs. 1,10,56,803
- (7) ID No. 3985 on the name of FIAISAL U earned Rs. 1,09,71,744
- (8) ID No.5349 on the name of MUHAMMAD ASHARAF earned Rs. 1,06,36,082”.

18. Hence, the contention of the petitioner in the discharge petition that, the petitioner has not induced either the complainant or anyone else and not received any illegal money as alleged, is not at all true. The statements of witnesses and the documents produced along with the final report would clearly go to show that, the accused conducted illegal money circulation business with intend to commit cheating and this petitioner worked as a promoter, promoting the illegal money circulation business of the accused companies and took an active role in committing cheating and earned more than Rupees one crore, i.e., an amount of Rs. 1,63,26,236/-, along with accused no.12 Muhammed Asharaf, as commission, by conducting illegal money circulation business, in the name of the accused companies.

19. It is settled position of law that, at the stage of hearing on charges, the

entire evidence produced by the prosecution is to be believed. In case, no offence is made out, then only, accused can be discharged. Truthfulness, sufficiency and acceptability of the material produced can be done only at the stage of trial. At the stage of framing charges, the Court has to satisfy, whether a prima facie case is made out against the accused, or not.

20. In this case, as per the final report, a very strong prima facie case is made out against this petitioner to connect him with the offences alleged. Hence, after considering the police report, and documents sent along with the police report, under section 173 Cr.P.C., and after hearing both sides, I am of the finding that, there is sufficient ground for proceeding against the accused no.15/petitioner, for the offences alleged in the prosecution case.

21. Hence, this discharge petition filed by accused no.15, stands dismissed.

(Dictated to the Confidential Assistant, typed by her directly to the computer, corrected and pronounced by me in the open court this, the 25th day of March, 2026.)

Sd/-
Additional Chief Judicial Magistrate,
Thrissur.