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

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

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Dated, this the **17th** day of **December, 2025.**

CMP: 4782/2024 in CC 94/2016

(Cr. No. 378/2011 of Alathur Police Station)

(CBCID Cr. 799/CR/EOW-II/KTM/11)

Petitioner/Accused no. 4.	:	Harish Babu Maddineni, S/o. Chenchu Punnaiah Choudhari Maddineni, Flat No.504, Sathyasai Apartments, Botonical Garden Road, Kondapur, Hyderabad. (By Adv. Sri. Sunil Pyloth.)
Respondent/ Complainant		State represented by the Deputy Superintendent of Police, CBCID EOW-II, Ernakulam Sub Unit. (Crime 378/2011 of Alathur Police Station, Thrissur.) (By Sri. Ananthakrishnan P.A., Assistant Public Prosecutor, Court of Additional Chief Judicial Magistrate, Thrissur.)
Petition	:	U/s. 239 Cr.P.C.
Order	:	Dismissed.

O R D E R

1. This is a petition filed u/s. 239 Cr.P.C., by the accused no. 4, in CC 94/2016, on the file of this court, seeking discharge, in the case.

2. Petition averments are, as follows:-

Petitioner is the accused no.4 in the above said case. The offences alleged against the petitioner are under sections 120B, 406, 420 r/w 34 of the Indian Penal Code and sections 3, 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. The petitioner not committed, any offences as alleged, in the prosecution case. The charge sheet filed by the prosecution shows that, there is no direct involvement of the petitioner, in this crime. Petitioner has not conducted any money circulation scheme. The petitioner has also not formed any company with an intention to cheat the customers. The petitioner was a director of three companies namely a) Nano Excel Enterprises Pvt. Ltd., b) Nano Excel Corporation Limited, and c) Nano Excel Power Corporation Ltd. The Nano Excel Enterprises Ltd., is a company, which is conducting sales and marketing of nano technology products. These products are imported from Korea, Malaysia etc. During the time of importing these products, the company has followed all the norms made by the Government of India. One of the conditions for importing products like health card, water bottles, wrist bands etc, was that, lab test has to be taken from the labs prescribed by the customs authorities. Only after clearance, from the lab, the authorities will give permission to import products. If a product has to be imported, there are, two forms of importing, finished products and unfinished products. Petitioner’s company has imported only finished products. As per the customs and central excise act, all the norms followed. Petitioner had obtained all the clearance certificates from the Government of India, for importing products. After the import, the Central Sales Tax Department levied taxes on these products. Company has paid customs duty, sales tax etc, very promptly before and after the commencement of the business. The Investigating Officer, not applied his mind, nor approached these departments and enquired about the process. Defacto complainants nowhere in the complaint or in the statements, stated about the genuinity of the products of the company. Not even a single word is spelled against the quality of the products, in the prosecution case. No document, produced by the prosecution to show that, the products, were illegal, or not to be sold as per the rules of the country. The products sold by the company are also available in the open market, by other companies like amazon, flip kart, e-bay etc. The copy of it is hereby produced, along with the petition. Nano Excel Enterprises was formed in the year 2007, as a private limited company. Later, after sales tax direction, the said company was stopped and the business was carried out in another name, Nano Excel Corporation Ltd. Regarding the 3rd company, Nano Excel Power Corporation limited, it is a company related to power projects, dealing with three hydro power projects started in Arunachal Pradesh, in 2010. The petitioner signed MOU with the Government of Arunachal Pradesh, for developing a Hydro power Project for 100 MW. The company never gave any false promise to the defacto complainant, or to the public, regarding the returns or the investments. The equity shares, were issued to the customers, based on their willingness and interest in the project. Prosecution not produced, nor investigated, any of the complaints properly. There is no document to show that, the company was not given approval by the State Government of Arunachal Pradesh. The prosecution already produced the copy of the MOU, signed between the Government of Arunachal Pradesh, and Nano Excel Power Corporation, in some cases. The petitioner with all good intention, started the said company in the year 2010. The Investigating Officer, not taken any strain, to investigate regarding the project in Arunachal Pradesh, and about the investments in the project by the petitioner. As per the State Government of Arunachal Pradesh, for the commencement of the project, an amount of Rs. 56 lakhs was paid initially, as bidding amount and later, after the signing of the MOU, an amount of Rs. 2.8 crores paid by the company, to the State Government of Arunachal Pradesh. The Government of Arunachal Pradesh, has allotted place for hydro project for the company. The defacto complainant, not produced any documents, before the Investigating Officer, regarding their investment. The defacto complainant has hidden their earnings which doubles their investment. The Investigating Officer not taken a step to verify the returns statements of the company, and also not verify the bank account of the defacto complainant. The company had paid TDS to all the subscribers. The petitioner is herewith producing the bank statement, to prove that the defacto complainant received more money. The defacto complainant had multiple ID in the company, which he has not disclosed. Nor the Investigating Officer, checked properly, in the company website, where it can be clearly seen. The Investigating Officer, not gone through the accounts of the company, showing that the returns were given to the complainant through cheques issued through banks. Only profit was shared among the members, that too, only in product based company. Regarding the power project investment, equity shares were issued. The certificates of equity shares produced by the prosecution show that, there is no cheating intention for the petitioner, in this matter. It is also clear that the petitioner never took any class or promotional activity of the company in Kerala. The single signatory in the bank and business, is managed by the other director named Patric Thomas. The company does not have cash purchase or cash transactions with the customers and all the business conducted through bank. The complainant had not invested money in the bank, stated in the complaint, which the petitioner or company are not responsible for cash payments. Petitioner is innocent and has not committed any offences, as alleged in the prosecution case. Hence, seeks to discharge the petitioner/accused, in the above case.

3. Objection was filed by the Detective Inspector IV, Crime Branch, Palakkad, through the Deputy Director of Prosecution, Palakkad, as follows:-

The averment in the petition that, the petitioner has no direct or indirect involvement in the crime, is totally false. Petitioner was the Managing Director, who signed in the Memorandum Of Association and Articles of Association at the time of the registration of the companies named 1) Nano Excel Enterprises Limited, 2) Nano Excel Corporation P. Limited and 3) Nano Power Corporation Limited, formed with an intention to cheat the public by running money chain business.

Petitioner had a thorough knowledge about the functioning of the company at the time of registration itself. After registration of these companies, they have not functioned as per the objectives and guidelines mentioned in the Certificate of Incorporation, Memorandum Of Association and Articles of Association, which clearly shows the dishonest intention of the accused including, petitioner. The accused including the petitioner collected huge amount through various bank accounts. It is revealed that, the petitioner is the authorised signatory, who is authorised to operate these accounts and thereby was an ultimate beneficiary of the money collected by the accused companies. Quantum of liability is not a criteria to let free an accused from the criminal charge, for offences under sections 120 (b) and 415. All the petitioners are the direct promotors of Nano Excel Companies. It is seen from the case diary and charge sheet that; petitioners looted money from general public as promoters of these companies and they had criminal intention to cheat the public. They know that, by way of promoting the business of the companies, they could earn easy money from the public. The companies not functioned as per the norms, objectives and guidelines mentioned in the Certificate of Incorporation. The petition is devoid of no merits and filed with malafide intention to drag the proceedings of the court. The bank account transaction details of the accused companies and the accused received from various banks shows that the accused earned easy money from the business through these accounts. Moreover, the petitioner in the CMP had not made any request or arguments before the investigation officer till the time, even after several years of the registration of the crime in 2011. Hence, the petition filed by the petitioner seeking discharge, is devoid of merit and hence, liable to be dismissed.

4. Heard both sides.

5. CC 94/2016 on the file of this court, is a case based on the final report filed by the Deputy Superintendent of Police, CBCID EOW-II, Ernakulam Sub Unit**,**

against accused 17 in numbers, alleging offences punishable, under sections 406, 420, 120B r/w 34 of the Indian Penal Code, sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

6. 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, during the period from 2007 till 2011, in furtherance of their common intention, and by committing criminal conspiracy, with intend to cheat public, and to obtain wrongful gain, accused no. 4 as the Managing Director and Authorised Signatory, and accused nos. 5 and 6 as the Directors, formed accused no.1 company named Nano Excel Enterprises Private Limited Company on 12/07/2007, and thereafter, accused no. 4 as the Managing Director and Authorised Signatory, accused nos. 5 and 6 as the Directors, and accused no.s 7 to 10 as the Promotional Shareholders, formed accused no.2 company named Nano Excel Power Corporation Limited on 01/01/2010 and later changed its name to Nano Excel Corporation Limited on 26/02/2010, and thereafter, with the same intention to commit cheating by conducting illegal money circulation business, accused no. 4 as the Managing Director and Authorised Signatory, and accused nos. 7 and 13 as the Promotional Shareholders, formed accused no.3 company named Nano Power Corporation Limited on 13/05/2010, and created a website with the help of CW11 Amandeep Singh, the Director of a software company named Roots Infocom at Ludhiyana, Punjab and created a website for network marketing, and promoted illegal products and conducted illegal money circulation business, and accused no.s 14 to 17, worked as promoters of the above companies, being fully aware about the illegal business conducted by the accused companies and approached public with false promises and accused conducted promotion meetings and through the website, and through brochures and advertisements, and through classes, promoted the illegal business of money circulation scheme and by making false promise of getting ten times more income within a short span of time and also promising income on members enrolling in the company, and also by promising amount, if money deposited in the power package of Nano Excel Power Corporation, and also by promising products, which the accused know to be that of low quality, fraudulently and dishonestly induced CW1 P.S. Natarajan to deliver Rs. 12,000/- on 23/10/2009 and Rs. 12,000/- on 29/01/2010 in his name, Rs. 12,000/- on 11/03/2010 in the name of his daughter-in-law and Rs. 12,000/- on 30/04/2010 in the name of his son, CW2 Assainar Moitheen to deliver total amount of Rs. 3,00,000/- on various dates from 29/10/2010 onwards, CW3 A. Taj to deliver total amount of Rs. 1,98,000/- on various dates from 28/01/2010 onwards, CW4 Abdul Tahir to deliver total amount of Rs. 66,000/- on various dates from 29/08/2010 onwards, CW5 Faseela to deliver Rs. 12,000/- on 25/09/2010, CW6 Sainumuthu to deliver Rs. 12,000/- on 24/11/2010 and CW7 Muhammed Ali to deliver Rs. 18,000/- on 13/12/2010, and thereby altogether obtained more than 358 crores from the general public including Rs. 6,36,000/- obtained from CW1 to CW7, and thereafter, neither gave profits as promised, nor returned the amount obtained and thereby committed cheating on general public, misappropriated the money obtained and conducted illegal money circulation business, and thereby accused committed 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.

7. The prosecution in this case was initiated by CW1/defacto complainant P.S. Natarajan, by preferring an First Information Statement, to the Sub Inspector of Police, Alathur Police Station on 05/07/2011. In the First Information Report, registered on 05/07/2011, the accused arrayed are, Dr. Harish Madineni and Patric Thomas.

8. After investigation, the Investigating Officer, Deputy Superintendent of Police, CBCID EOW-II, Ernakulam Sub Unit, filed final report, against accused 17 in numbers, accused no.1 Nano Excel Enterprises Private Limited represented by Harish Babu Maddineni, accused no. 2 Nano Excel Power Corporation Limited/Nano Corporation Limited represented by Harish Babu Maddineni, accused no.3 Nano Power Corporation Limited represented by Harish Babu Maddineni, accused no.4 Harish Babu Maddineni, accused no. 5 Chinna Rao Swayamvarapu, accused no.6 Patric Thomas, accused no. 7 Radha Sundara Rajah, accused no. 8 Prasanth Sundara Rajah, accused no.9 P.P. Renga Reddy, Accused no.10 Meera Harish K., accused no.11 Chedella Subhashini, accused no.12 Kumari Rajah, accused no.13 Sarath Babu Lagadapati, accused no.14 Muhammed Ashraf, accused no.15 Baby Jose, accused no.16 P.D. Lonappan and accused no.17 C.D. Tisserent, alleging 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. In the final report, there are, 39 witnesses cited by the Investigating Officer, and CW1 to CW7 are the persons, who are alleged to be cheated by the accused.

9. As per the prosecution case, the petitioner is the Managing Director of the accused companies. The statements of witnesses and the documents produced along with the final report would go to show that, the accused companies conducted illegal money circulation business deviating from the object and purpose of the companies, stated in the Memorandum of Association and Articles of Association of the companies and committed cheating by conducting illegal money circulation business. CW1 to CW7, in their statements under section 161 Cr.P.C. have mentioned specifically the name of this petitioner and about the fraudulent inducement made by him to deposit money in the accused companies.

10. CW8 Reneesh, CW9 Nidhun, who are stated to be employees of the

accused companies at Thrissur also, in their statements under section 161 Cr.P.C. have stated in detail about the illegal money circulation business conducted by the accused companies, and CW9 Nidhun, in his statement under section 161 Cr.P.C., has stated about the Directors participated in the business promotion meetings conducted by the accused companies at various hotels and about the exorbitant commission received by the Directors and Promoters. CW9 has stated that, "കമ്പനി തൃശ്ശൂർ പേൾ റീജൻസി, കാസിനോ ഹോട്ടൽ, ട്രിച്ചൂർ ടവർ ഹോട്ടൽ, ലുലു കൺവെൻഷൻ സെൻറർ എന്നിവിടങ്ങളിൽ മിക്ക ആഴ്ചകളിലും ബിസിനസ് മീറ്റിങ്ങുകൾ നടത്തിയിരുന്നു. അതിൽ കമ്പനി ഡയറക്ടർമാരും, പ്രമോട്ടർമാരും പങ്കെടുക്കുമായിരുന്നു. കമ്പനിയുടെ പുതിയ വാഗ്ദാനങ്ങൾ അവിടെ പ്രഖ്യാപിക്കുമായിരുന്നു. തൃശ്ശൂർ ജില്ലയ്ക്കു വെളിയിലും ഇതു പോലെ മീറ്റിങ്ങുകൾ സംഘടിപ്പിച്ചിരുന്നു. മലമ്പുഴ, നെല്ലിയാമ്പതി എന്നിവിടങ്ങളിൽ പുതിയ മെമ്പേഴ്സിനെ motivate ചെയ്യാൻ training programme മെയിൻ പ്രമോട്ടേഴ്സായ മുഹമ്മദ് അഷറഫ്, ലോനപ്പൻ, സജീവ് കരുൺ, ടിസറെൻറ്, ബേബി ജോസ്, P.G. ജയൻ, പ്രമോദ് കുമാർ, ഫൈസൽ എന്നിവർ സംഘടിപ്പിച്ചിരുന്നു. തൃശ്ശൂരിൽ നടത്താറുള്ള മിക്ക പ്രോഗ്രാമുകളിലും ഓഫീസ് സ്റ്റാഫുകളും പങ്കെടുക്കുമായിരുന്നു. 2010 ജനുവരി, ഫെബ്രുവരി മാസങ്ങളിൽ കാസിനോ ഹോട്ടൽ, പേൾ റീജൻസി എന്നിവിടങ്ങളിൽ നടന്ന മീറ്റിങ്ങിൽ ഡയറക്ടർ **ഹാരിഷ് ബാബു മദനീനിയും**, പാട്രിക് തോമസ് എന്നിവർ പങ്കെടുത്തിരുന്നതായി എനിക്കറിയാം. കൂടാതെ, പ്രമോട്ടേഴ്സായ മുഹമ്മദ് അഷറഫ്, സജീവ് കരുൺ, പ്രമോദ് കുമാർ, ശശിന്ദ്രൻ, ഫൈസൽ, ജയൻ PG. ബേബി ജോസ്, ലോനപ്പൻ, ടിസറൻറ്, സ്വാമി നാഥൻ, മൊയ്തീൻകുട്ടി, P.N രാധാകൃഷ്ണൻ, C.R. രാധാകൃഷ്ണൻ, E.S. രാജൻ, K. ബാലകൃഷ്ണൻ. T.K. ബാലകൃഷ്ണൻ എന്നിവരും പങ്കെടുത്തിരുന്നു". He further stated that, "കമ്പനി വിതരണം ചെയ്തിരുന്ന പ്രൊഡക്ടുകൾ ചൈന, കൊറിയ, സിംഗപ്പൂർ എന്നിവിടങ്ങളിൽ നിന്ന് തുച്ഛമായ തുകയ്ക്ക് ഇറക്കുമതി ചെയ്ത് ഇന്ത്യയിൽ ആ പ്രൊഡക്ടുകൾ നാനോ ടെക്നോളജി പ്രകാരമുള്ളതാണെന്ന് പ്രചരിപ്പിച്ച്, വലിയ തുക വിലയിട്ട് വില്പന നടത്തി കമ്പനി മണി സർക്കുലേഷൻ ബിസിനസ്സാണ് നടത്തി വന്നിരുന്നത്. അതു മൂലം കമ്പനിയ്ക്കും, ഡയറക്ടർമാർക്കും പിന്നെ മേൽപറഞ്ഞ പ്രൊമോട്ടർമാർക്കും ബാക്കി തുകകൾ കമ്മീഷൻ ലഭിച്ചിട്ടുണ്ട്".

11. CW16 Ramadas, who is stated to be Manager of Casino Cultural Auditorium, Thrissur, in his statement under section 161 Cr.P.C. stated that, "നാനോ എക്സൽ എൻറർപ്രൈസസ് പ്രൈവറ്റ് ലിമിറ്റഡ് എന്ന കമ്പനിയുടെ പേരിലും ഇവിടെ മീറ്റിങ്ങുകളും മറ്റും സംഘടിപ്പിച്ചിട്ടുണ്ട്. 5-8-2009 മുതൽ 1-3-2011 വരെയുള്ള കാലയളവിലായി നാനോ എക്സൽ എൻറർപ്രൈസസ് എന്ന കമ്പനിയുടെതായി 76- ഓളം പരിപാടികൾ ഇവിടെ നടന്നിട്ടുണ്ട്. ചേലക്കരയിലുള്ള മുഹമ്മദ് അഷറഫ് എന്നയാളാണ് ആദ്യമായി ഇവിടെ വന്ന് ഹാൾ ബുക്ക് ചെയ്തത്. തുടർന്ന് കമ്പനിയുമായി ബന്ധപ്പെട്ട് പ്രവർത്തിക്കുന്ന പ്രമോട്ടർമാർ പലരും കമ്പനിയുടെ പാലിയം റോഡിൽ പ്രവർത്തിച്ചിരുന്ന ഓഫീസിന്റെ വിലാസത്തിൽ പരിപാടികൾക്കായി ഹാൾ ബുക്ക് ചെയ്തു മീറ്റിങ്ങുകളും മറ്റും സംഘടിപ്പിച്ചിട്ടുണ്ട്. ഇവിടെ നടന്നിട്ടുള്ള മീറ്റിങ്ങുകളിൽ കമ്പനിയുടെ M.D. **ഹാരിഷ് ബാബു മദീനേനി**, ഡയറക്ടർ പാടിക് തോമസ്, കൂടാതെ പ്രമോട്ടർമാരായ മുഹമ്മദ് അഷറഫ്, പ്രമോദ് കുമാർ, ജയൻ, സജീവ് കരുൺ, ബിജേഷ്, ലോനപ്പൻ, റ്റിസ്സറെൻറ്, സജീവ് രാജൻ തുടങ്ങിയ പലരും പങ്കെടുത്തതായി എനിക്കറിയാം".

12. CW17 Shinoy, in his statement under section 161 Cr.P.C. stated that, "ഞാനും ഭാര്യയും ഞാനോ എക്സൽ കമ്പനിയിൽ പണം നിക്ഷേപിച്ചിരുന്നു. ഞാൻ നാനോ കമ്പനിയുടെ ക്ലാസ്സുകളിൽ പങ്കെടുത്തിട്ടുണ്ട്. കമ്പനിയുടെ ഡയറക്ടർമാരായ **ഹാരിഷ് ബാബു മദിനേനി,** പാടിക് തോമസ്സ് എന്നിവരും മറ്റും ചേർന്ന് തൃശ്ശൂർ കാസിനോ ഓഡിറ്റോറിയത്തിൽവച്ച് നടത്തിയ മീറ്റിംഗിലും ഞാൻ പങ്കെടുത്തിട്ടുണ്ട്. നാനോ കമ്പനി വിതരണം ചെയ്യുന്ന ഉല്പന്നങ്ങളെക്കുറിച്ചും അതണാചൽപ്രദേശിൽ തുടങ്ങാൻ ഹൈഡ്രോ ഇലക്ട്രിക് പ്രോജക്ടിനെക്കുറിച്ചുമാണ് മീറ്റിംഗുകളിൽ പ്രധാനമായും പറഞ്ഞിരുന്നത്. നിക്ഷേപിക്കുന്ന തുക ആറു മാസംകൊണ്ട് തിരികെ ലഭിക്കുമെന്നും അതുകൂടാതെ മുടക്കമുതലിൻറെ പത്തിരട്ടി തുക മൂന്നു വർഷത്തിനുള്ളിൽ പല തവണകളായി നൽകുമെന്നും വാഗ്ദാനം നൽകിയിരുന്നു. Direct Referral Bonus, Royalty Club Board മുതലായ വിവിധ രീതികളിലായിരുന്നു കമ്പനി കമ്മീഷൻ നല്കിയിരുന്നത്. കമ്പനി 6,000/-. 12,000/-, 18,000/- മുതലായ പാക്കേജുകളിൽ നിക്ഷേപങ്ങൾ സ്വീകരിച്ചിരുന്നു. കമ്പനിയിൽ പണം നിക്ഷേപിച്ച് മെമ്പറാകുന്നവരെ Distributor എന്നാണ് പറഞ്ഞിരുന്നത്. പണം നിക്ഷേപിക്കുന്നവർക്ക് പ്രത്യേകം ID നമ്പർ ലഭിക്കും. നിക്ഷേപകർക്ക് നാനോ ടെക്നോളജി പ്രകാരം നിർമ്മിച്ച bracelet, bio-cool water bottle, watch, health card മുതലായ ഉല്പന്നങ്ങൾ ലഭിക്കുമെന്നും അവ

ഉപയോഗിച്ചാൽ ശരീരത്തിന് കൂടുതൽ ഗുണം കിട്ടുമെന്നും രോഗപ്രതിരോധശക്തി കിട്ടുമെന്നും മറ്റുമാണ് മീറ്റിംഗിൽ പറഞ്ഞിരുന്നത്. കമ്പനി നൽകുന്ന ഉല്പന്നങ്ങൾ പൊതുമാർക്കറ്റിൽ വാങ്ങാൻ കിട്ടുകയില്ലെന്നും പറഞ്ഞിരുന്നു. അരുണാചൽ പ്രദേശിൽ പവർ പ്രോജക്ട് തുടങ്ങാൻ ഗവൺമെന്റുമായി കരാർ ഒപ്പുവെച്ചുവെന്നും അതിൻറെ ഷെയർ എടുത്താൽ നിക്ഷേപത്തുകയ്ക്ക് അനുസരിച്ച് 50 വർഷത്തേയ്ക്ക് ലാഭവീതം നൽകുമെന്ന് പറഞ്ഞ് അതിൻറ നോട്ടീസുകളും ബ്രോഷറുകളും മീറ്റിംഗിൽ വിതരണം ചെയ്യുകയും ചെയ്തിരുന്നു. കമ്പനിയുടെ ആളുകൾ നടത്തിയ പൊതുപരിപാടികൾ അടങ്ങിയ DVD എനിക്ക് ലഭിച്ചിരുന്നത് ഞാൻ തൃശ്ശൂർ വെസ്റ്റ് C.I. ആയിരുന്ന രാജേഷ്സാറിന് ക്രൈം 99/11-ാം നമ്പർ കേസ്സിലേയ്ക്ക് നൽകിയിട്ടുണ്ട്".

13. The bank account statement of the accused companies also seized during the course of investigation and produced along with the final report to prove the offences alleged in the case.

14. Hence, as per the final report, a strong primafacie case is made out against the accused/petitioner Harish Babu Madineni.

15. 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 primafacie case is made out against the accused, or not.

16. As stated above, in this case, as per the prosecution records, a strong primafacie case is made out against the accused no. 4/petitioner. 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. 4/petitioner, for the offences alleged in the prosecution case.

17. Hence, this discharge petition filed by accused no. 4, 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 17th day of December, 2025).

Sd/-

Additional Chief Judicial Magistrate,
Thrissur.