

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

**Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,
Principal Sessions Judge.**

Tuesday, the 28th day of April, 2026

Crl.M.P.No. 4/2025

in

SC.No. 425/2024

in

Crime No.293/2024

Porkodi,

.. Petitioner/Accused-15

Vs.

1. State Rep. by
Assistant Commissioner of Police,
Koyambedu Police Range,
Chennai.

.. 1st Respondent/ IO

2. The Inspector of Police,
K-1, Sembium Police Station,
Chennai.

.. 2nd respondent /complainant

3. Veeramani.

.. 3rd respondent/defacto
complainant

This petition is coming on this day before this court for hearing in the presence of M/s.P.Muthamizh Selvakumar, A.Aravindraj, A.Esakkipandy, V.G.Nisok, R.Ramesh Kumar, K.Sarath Kumar, the Counsel for the petitioner and of the Senior Public Prosecutor for respondents police and upon hearing both sides, this Court delivered the following,

ORDER

The petitioner/A-15 has come up with present application for discharge.

2. The petitioner, in her petition, submitted as below:

2.1. The present petition for discharging her from the charges under Sections 61(2),(a) r/w. 103(1), 103 (1) r/w S.49 of BNS in SC.No. 425/2024. There was no concrete, material has been substantiate by the 1st respondent for framing of charges against the petitioner. On 05.07.2024, the 2nd respondent received the intimation from the General Hospital, Perambur. The 2nd respondent rushed to the said hospital and received the written compliant from 3rd respondent who was already in patient in the written compliant, he narrates that he was a retired employee of Syndicate Bank Since 2019 he having 9 siblings one of his brother deceased Armstrong was born as 9th child of the family and then he was functioning as a State President in Bahujan Samaj Party of the State. The deceased used to stay at Venugopal Street, Perambur after that he starts the construction of house replaced the existing house in which he alternatively stayed at Sri Mahalakshmi Apartment, Ayanavaram for more than 2 years. The deceased is having a wife and 1.5 year female child.

2.2 On the date of occurrence, on 05.07.2024 at about 07.00 hours, the deceased Mr.Armstrong and his friends, labourers were standing in the front of work site to monitor the construction work. All of a sudden, eight unknown person has attacked the deceased with deadly weapons in which the deceased sustained cut injuries on face, head, hand and back head. The unknown persons constantly attacked the deceased and he fell down on the ground. The 3rd respondent witnessed the entire episode of occurrence, rushed the place of occurrence in order to rescue his brother..

2.3 All of a sudden, the Accused has attacked the 2nd respondent in which he inflicted cut injuries on the head and shoulder. Further, the Accused pushed one Balaji on the construction excavation. He also sustained bone fracture on his right leg. Further, the Accused attacked the driver of the deceased and inflicted cut injuries. Further, the Accused were escaped from the place while seen the people are rushing to the spot. Further, the 108 Ambulance called for treatment and taken the deceased to the Apollo hospital, Greams Road. The doctor declared that the deceased was brought dead. In pursuant to the written complaint of the 3rd respondent, the 2nd respondent registered the case in Crime No.293 of 2024 under Sections 191(2), 191(3), 118(1), 103, 351(3) of B.N.S. 2023 and taken up for investigation. Thereafter, the 1st respondent was appointed as investigation officer and proceeded with the investigation.

2.4. On 18.08.2024, the petitioner was arrested at the hands of the 2nd respondent and arrived as an Accused No.15 of the case. The 1st respondent has completed the investigation and laid the final report before the V Metropolitan Magistrate, Egmore and thereafter, it was committed to this Court. In the entire materials placed by the respondent, there was no material produced against the petitioner or none of the witnesses have spoken about the petitioner. There were Lw-1 to Lw-237 cited however, no witnesses was available in the List against the petitioner in connection to the above said allegation. The witness No. 111 and 112 who are a Pawn Broker for pledging the Jewel of her deceased husband by A4 or otherwise there was no other single witnesses produced so far with concrete and cogent material. The petitioner

was implicated in the case against the Procedural established by law and Article 21 of Constitution of India.

2.5 The 1st respondent further produced 704 documents in the final report however, there was no documents available to make out a charge against the petitioner. In the document Nos.516 & 517, the receipts of Pawn broker shop, no material was placed against the petitioner. It is highly imaginable. The relationship was considered by the 1st respondent without due process of law to implicate the petitioner as an Accused. Except the petitioner's own confession, no other concrete proof, documents, witness are available in the material placed by the 1st respondent. In the charges against the petitioner under section 49 of B.N.S.2023, there was no express, implead abetment of the case as the ingredients would be necessary for framing of the charges against the petitioner as like the proviso as offence is said to be committed in consequences of abetment, when it is committed in consequences of the instigation, or in pursuance of conspiracy, or with aid which constitute the abetment as like except the petitioner's own confession, no other material available to frame charges against the petitioner. The consideration of the confession is sufficient to made a charges against a person is completely against Article 20(3) of the constitution of India. Without any sufficient material and evidences no charges could be framed against the petitioner in the eye of Law.

2.6. The 1st and 2nd respondent considered the Marital relation between the petitioner and her deceased husband one Suresh @ Arcot Suresh alone and the petitioner was

implicated the case or otherwise none of the evidence, concrete proof available against the petitioner in order to rope in the case. Therefore, the petitioner has no other option except to approach this Court under section 250 of Bharatiya Nagarik Suraksha Sanhita-2023 for discharging her in the above said case among the following grounds.

2.7 The material placed before this court is not a Co-related, Co-gent material to prosecute the petitioner as an Accused. The material placed before this Court are not constituting the offences as mentioned. There is lack of evidence to prove the involvement of petitioner in the case. The Marital relationship between her and her deceased husband one Suresh @Arcot Suresh as projected by the media is the only reason to add her as an Accused. The 1st respondent without any detailed investigation registered the case and not followed the procedure established by the code. The act of the respondent is in violation of the procedure established by the Bharatiya Nagarik Suraksha Sanhita-2023 and it is a clear abuse of process of law.

2.8. The 1st respondent failed to note that, the principles in Linga Bhaskar Vs. Inspector of Police, Thoothukudi South Police Station, 2018-2-L.W (CrL.) 309. If the charge sheet filed without Prima Facie materials and the same is liable to be quashed based on the findings in Kamal Shivaji Pokarnekar v. Maharashtra, (2019) 14 SCC 350, wherein it was held that Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence or is frivolous, vexatious, or oppressive. If the allegations set out in the complaint do not constitute

the offence of which cognizance can be taken by the Magistrate, it is open to the High Court to quash the same.

2.9. It is not necessary to conduct a meticulous examination of the case by the Trial Court as to whether the case would end in conviction or not. Based on reading of the complaint, considering the allegations therein and in the light of the statement made an oath the court has to see whether ingredients of the offences alleged are made out or not. The 1st respondent failed to note that registration of case without cogent material itself is an abuse of process of law and only in the circumstances inherent powers can be exercised to prevent abuse of process of law - Karunamoorthi v. State, 2020 SCC OnLine Mad 6026 ". Petitioners in the instant case could not prove that the registration of the FIR was an abuse of process of law, therefore, Criminal Original Petition was dismissed.

2.10. The respondent failed to note that as per the verdict of Neeharikka Infrastructure Pvt Ltd -Vs- State of Maharashtra, it is pointed out that where the allegation made against the Accused person to constitute of an offence alleged but there is either no legal evidence adduced in support of the case or the evidence adduced clearly or manifestly failed to prove the charges, as per the verdict, the FIR contained mere allegation against the petitioner nothing to survive to keep the proceedings against the petitioner.

2.11. The 1st respondent/Complainant failed to note that, the principle observed by the Hon'ble Supreme Court in State of Haryana and Ors. Vs. Bhajan Lal and Ors.

MANU/SC/0012/1992, where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in the entirety do not prima facie constitute any offence or makes out a case against the Accused. Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the Accused. Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the Accused.

It is, therefore, the petitioners prayed to Discharge the petitioner from all the charges in S.C.No.425 of 2024 and pass any other order as deem fit under the circumstances of the case and thus render justice.

3. The respondent, in its counter, contended as below.

i). The petition filed by the petitioner/A15 is bereft of merits and the same is neither maintainable in law nor sustainable on facts and it deserves to be dismissed.

The petitioner is arrayed as Accused No.15 in the final report filed by this respondent in SC no.425/2024.

ii). As per the prosecution case, the petitioner is the wife of one Arcot Suresh who was a popular A + Category rowdy well known in Chennai and the adjoining districts. The said Arcot Suresh was murdered on 18.08.2023 within the limits of the E-5 Pattinampakkam police station. The supporters and the family members of Arcot Suresh believed that the deceased in this case Mr. Amstrong was responsible for the murder of Arcot Suresh. Therefore, the brother of Arcot Suresh one Balu alias Ponnai Balu (A-5) , and his relatives and friends Arul (A4). Ramu alias Vinoth (A-6), Thirumalai (A-8), Manna alias Mannivannan 9), Thiruvengadarn (A-7) conspired to murder Mr. Amstrong. This conspiracy was communicated to the petitioner/A15 and she approved, welcomed, and involved herself in the same and in order to carry the conspiracy forward to found and execute the same she gave a gold bracelet weighing 10 sovereigns which belonged to Arcot suresh to the Accused Ramu alias Vinoth (A-6) in the month of December 2023 with the view to provide capital for the execution of the conspiracy. The said bracelet was taken and it was pledged on 01.12.2023 in the pawn broker shop of one Ajai Kumar (LW-111) and Vijayakumar (LW-112) by Arul (A-4) and an amount of Rs.3.56 lakhs was raised (Receipt LD.NO.298) for the purpose of procuring vehicles and taking rented accommodation for the persons involved in the conspiracy to murder Mr. Amstrong and also to buy liquor, ganja for the said Accused. The petitioner/ A-15 was arrested on 18.08.2024.

iii) Further the Petitioner/A15 has had cellphone conversations with Accused Ramu (A-6), Pradeep (A-16) and Anjalai (A-29) before the execution of the murder of Mr. Amstrong. (Porkodi CDR LD. NO. 574) It is submitted that Arul (A-4) (LD. NO.246), Balu alias Ponnai Balu (A-5) (LD. NO.244), Ramu alias Vinoth (A-6) (LD. NO.245) and Pradeep (A-16) (LD. NO.261) have given confessions which implicate the Petitioner/A15 (LD. NO.267) in the conspiracy to murder Mr. Amstrong and the execution of the said murder. Further, the gold bracelet aforesaid given by the petitioner/A15 to carry out the murder of Mr. Amstrong has been recovered/seized (LD. NO.317). The receipt in proof of the pledge of the said gold bracelet by Arul/A4 has been seized and recovered (LD. NO.298). The statement of one Mr. Ajay Kumar (LW-111) and Vijayakumar (LW-112). The pawn broker has also been recorded to testify and support the above facts. The Statement recorded from the Petitioner/ A-15 in the case relating to the murder of Arcot Suresh which was recorded under section 161 (3) of the CrPc by the concerned investigation agency will also support and prove the motive and mens rea entertained by petitioner/A15.

iv) The CDR of the petitioner/A15 has also been collected in the process of the investigation. (LD. No. 574). The CAF (Customer Acquisition Form) of the petitioner/A15 cell no. 9363592824 has also been seized and produced by the investigation. (LD, No. 636). There are enough materials available on record before this court. There is sufficient ground for proceeding against the Petitioner/ A-15. The Petitioner/A15 has clearly entered into a criminal conspiracy with the other Accused

and pursued with the common object to do an illegal act of murdering the deceased Mr. Armstrong. She has been a party to the criminal conspiracy to commit the murder of Mr. Armstrong not stopping with this she has also aided the commission of the offence and as a consequence the offence was committed. She has instigated and induced the other Accused to go ahead with the murder of Mr. Armstrong. There is sufficient material to proceed against the petitioner/A15 for offences under section 61(2)(a) r/w 103(1), 103(1) r/w 49 BNS and it cannot be said or contented that there is no sufficient ground for proceeding against petitioner/A15 and discharge him from the above case.

v) At the stage of framing charge, it has to be only seen and considered by this court whether there is sufficient ground to proceed further against the Accused. At this stage, the evidentiary value or merits of the evidence cannot be tested or scrutinized. The Accused also cannot plead their defence or version and seek a discharge from the case. It is only necessary at this stage to decide whether there is any ground to proceed further against the Accused or whether the charge against the Accused is groundless. In this case, the Accused before this court are charged with heinous and serious offences. The Accused in this case have conspired and murdered the deceased Mr. Armstrong who was a popular political leader in the state of Tamil Nadu. Therefore, in the above circumstances, the mandate of law and interest of justice, both required that the respective charges with which the Accused in this case are charged with are framed and the trial of the case is conducted on

merits in accordance with law. Hence, it is prayed that this Hon'ble court may be pleased to dismiss the application for discharge filed by the petitioner/ Accused and thus render justice.

4. Both side heard. Petition, Affidavit and counter are perused. The prosecution materials are perused.

5. Point for determination is

Are there materials available as against the petitioner/A15 to proceed to framing of charges against her or not?

6. ANSWER:

6.1. The learned counsel for the petitioner submitted that the investigation agency has filed final report before the learned V Metropolitan Magistrate and the same was taken cognizance and committed to this court. The prosecution has examined LW1 to LW237 and produced 704 documents before this court. However, non of the witnesses have deposed as against the petitioner. LW111 and LW112, who are the pawn brokers in their statements submitted that the petitioner's husband's bracelet was pledged with them. Their statement does not disclose the involvement of the petitioner with the above crime.

6.2. Even, according to them only A4 have pledged those Jewel. The document RD.No. 516 and 517, the receipt issued by the said pawn broker also discloses that the bracelet was pledged by A4 and not by this petitioner. Absolutely

there is no proof to show that the said bracelet belongs to the husband of the petitioner. The prosecution has attempted to built up the case based on the confession of the co-Accused.

6.3. In this case, in concerning with the petitioner, there are two confessions relied upon by the prosecution. They are A5 and A6 confession. Though, A5 was said to have given a confession on 16.07.2024, he has not spoken anything about the involvement of the petitioner herein. Only in the further confession statements, the petitioner was implicated in this case. Even in the said confession, it is alleged that the petitioner herein has told other co-Accused that they should not leave who has murdered her husband.

6.4. Further, in the confession it is alleged that, she handed over 10 sovereign bracelet of Arcot Suresh to one Vinoth and he handed over the same to A5, which he pledged with pawn brokers and received a sum of Rs. 3.50 Lakhs. Even A5, in his first confession, he did not implicate the petitioner herein. Only in the 2nd confession said to have recorded on 15 July 2024, the petitioner was implicated. In A5 confession, he has stated that the petitioner told whoever responsible for the death of her husband, should not be left.

6.5. Further, A5 in his confession stated that, he informed his sister in law, the petitioner herein that the Armstrong to be done away who is the responsible for the death of Arcot Suresh. She has given 10 sovereign bracelet to Vinoth, which was

pledged through A4 Arul for a sum of Rs. 3.50 Lakhs. The another confession statement is the confession of the petitioner herein, according to the learned counsel for the petitioner herein, except the above police confession, nothing is available to implicate the petitioner.

6.6. The learned counsel for the petitioner relied on the decision of the Hon'ble Apex Court in Bajanlal Case, to say that even in the prosecution materials taken on its face value, it does not implicate the petitioner herein. Further, he relied on the Hon'ble Apex Court, reported in AIR 1973 SC 2407, submitted that the confession cannot be translated into the evidence during trial and therefore, it cannot be a basis for framing charges against the petitioner herein. Hence, he prays for discharge.

7.1. Per Contra, the learned Senior Public Prosecutor submitted that the petition filed by the petitioner/A15 is bereft of merits and the same is neither maintainable in law nor sustainable on facts and it deserves to be dismissed. The petitioner is arrayed as Accused No.15 in the final report. As per the prosecution case, the petitioner is the wife of one Arcot Suresh who was a popular A + Category rowdy well known in Chennai and the adjoining districts. The said Arcot Suresh was murdered on 18.08.2023 within the limits of E-5 Pattinampakkam police station. The supporters and the family members of Arcot Suresh believed that the deceased in this case Mr. Amstrong was responsible for the murder of Arcot Suresh. Therefore, the brother of Arcot Suresh one Balu alias Ponnai Balu (A-5) and his

relatives and friends viz., Arul (A4), Ramu alias Vinoth (A-6), Thirumalai (A-8), Manna alias Mannivannan (A9), Thiruvengadarn (A-7) conspired to murder Mr.Amstrong. This conspiracy was communicated to the petitioner/A15 and she approved, welcomed, and involved herself in the same and in order to carry the conspiracy forward to found and execute the same, she gave a gold bracelet weighing 10 sovereigns which belonged to Arcot suresh to the Accused Ramu alias Vinoth (A-6) in the month of December 2023 with a view to provide capital for the execution of the conspiracy. The said bracelet was taken and it was pledged on 01.12.2023 in the pawn broker shop of one Ajai Kumar (LW-111) and Vijayakumar (LW-112) by Arul (A-4) and an amount of Rs.3.56 lakhs was raised (Receipt LD.NO.298) for the purpose of procuring vehicles and taking rented accommodation for the persons involved in the conspiracy to murder Mr. Armstrong and also to buy liquor, ganja for the said Accused. The petitioner/ A-15 was arrested on 18.08.2024.

7.2. Further, the learned Senior Public Prosecutor submitted that the Petitioner/A15 has had cellphone conversations with Accused Ramu (A-6), Pradeep (A-16) and Anjalai (A-29) before the execution of the murder of Mr. Armstrong. (Porkodi CDR LD. No. 574). Arul (A-4) (LD. No.246), Balu alias Ponnai Balu (A-5) (LD. No.244), Ramu alias Vinoth (A-6) (LD. No.245) and Pradeep (A-16) (LD. No.261) have given confessions which implicate the Petitioner/A15 (LD. No.267) in the conspiracy to murder Mr. Armstrong and the execution of the said murder. Further, the gold bracelet

aforesaid given by the petitioner/A15 to carry out the murder of Mr. Amstrong has been recovered/seized (LD. No.317). The receipt in proof of the pledge of the said gold bracelet by Arul/A-2 has been seized and recovered (LD. No.298). The statement of one Mr.Ajay Kumar (LW-111) and Vijayakumar (LW-112). The pawn broker has also been recorded to testify and support the above facts. The Statement recorded from the Petitioner/A-15 in the case relating to the murder of Arcot Suresh which was recorded under the section 161 (3) of the CrPc by the concerned investigation agency will also support and prove the motive and mens rea entertained by petitioner/A15.

7.3. The learned Senior Public Prosecutor further submitted that the CDR of the petitioner/A15 has also been collected in the process of the investigation. (LD. No. 574). The CAF (Customer Acquisition Form) of the petitioner/A15 cell No. 9363592824 has also been seized and produced by the investigation (LD No. 636). There are enough materials available on record before this court. There is sufficient ground for proceeding against the Petitioner/A-15. The Petitioner/A15 has clearly entered into a criminal conspiracy with the other Accused and pursued with the common object to do an illegal act of murdering the deceased Mr. Amstrong. She has been a party to the criminal conspiracy to commit the murder of Mr. Amstrong not stopping with this she has also aided the commission of the offence and as a consequence the offence was committed. She has instigated and induced the other Accused to go ahead with the murder of Mr. Amstrong. There is sufficient material to

proceed against the petitioner/A15 for offences under Section 61(2)(a) r/w 103(1), 103(1) r/w 49 BNS and it cannot be said or contented that there is no sufficient ground for proceeding against petitioner/A15 and discharge her from the above case.

7.4. According to the learned Senior Public Prosecutor, at the stage of framing charge it has to be only seen and considered by this court whether there is sufficient ground to proceed further against the Accused. At this stage the evidentiary value or merits of the evidence cannot be tested or scrutinized. The Accused also cannot plead their defence or version and seek a discharge from the case. It is only necessary at this stage to decide whether there is any ground to proceed further against the Accused or whether the charge against the Accused is groundless. In this case, the Accused before this court are charged with heinous and serious offences. The Accused, in this case, have conspired and murdered the deceased Mr.Amstrong who was a popular political leader in the state of Tamil Nadu. Therefore, in the above circumstances, the mandate of law and interest of justice both required that the respective charges with which the Accused in this case are charged with are framed and the trial of the case is conducted on merits in accordance with law. Hence, it is prayed that this Hon'ble court may be pleased to dismiss the application for discharge filed by the petitioner/ Accused.

11. This court has given its thoughtful consideration to the rival submissions put forth by either side. On careful perusal of records, it is found that the respondent police has filed a final report before the learned V Metropolitan Magistrate which

was taken cognizance and committed before this court. The matter is posted for framing of charge. At this juncture, the petitioner/A15 has comes up with the present application for discharge to discharge her from the charges proposed to be framed against her.

12. It is the case of t he prosecution that the deceased Armstrong is Tamilnadu State President of Bahujan Samaj Party. He was residing at Ayanavaram and was supervising the construction work of his house under construction at Venugopal Swamy Temple Street. A1 Nagendiran is a convict and undergoing punishment at Central Prison, Vellore in connection with murder of one Stanley Shanmugam. A1 and A2 Sambava Senthil got acquaintance and became close. In 2015, North Chennai District Secretary of Bahujan Samaj Party Mr. Thennarasu was murdered. At the instance of the deceased Armstrong, a protest was staged and therefore, the said case was transferred to CBCID in which A1 was also arrested.

13. It is the further case of the prosecution that in 2023, one T.Sekar, a member of Bahujan Samaj Party and also an Advocate was arranging to sell a property situate at Orakadu on behalf of M/s. Harihant Foundation, the 3 rd Accused Aswathaman approached him and threatened him to sell the said 10 acre property to him. But, the said Sekar refused to execute the sale deed. While so, on 22.02.2023, A1 who came to Rela Hospital, Chrompet for treatment, threatened the said Sekar over phone. In this connection, the deceased Armstrong gave instructions to the said Sekar to give

complaint and at the instructions of the deceased Armstrong, A3 apologized to the said Sekar and thereafter, the said complaint was withdrawn. Further, A3 was under the impression that the deceased Armstrong is the reason for his arrest in a case given by one Jeyaprakash at Meenjur that A3 has threatened him demanding Rowdy Mamool. In view of the said criminal cases, A3 did not get ticket to contest in general election. Therefore, A1 and A3 had developed enmity with the deceased Armstrong.

14. It is the further case of the prosecution that In 2005, the mother of A2, Mrs.Rajeshwari has purchased a house at 4 th street, A.K. Swami Nagar, Kilpauk. In the said building, a Cable TV operator business was carried on in the name and style of 'Happy Entertainment Network', by the persons close to the deceased Armstrong. They refused to vacate the said premises. In this connection, there were disputes between the persons close to deceased Armstrong and A2. Only after giving a sum of Rs. 12 Lakhs, the persons close to the deceased Armstrong had vacated the premises. Therefore, A2 has developed enmity with the deceased Armstrong.

15. It is the further case of the prosecution that one Arcot Suresh, who is the brother of A5/Ponnaibabu, and one Otraikan Jeyabalu, who is the friend of deceased Armstrong, were friends. Due to certain enmity, on 18.08.2023, Arcot Suresh was murdered by a persons close to Jayabal. The relatives and friends of Arcod Suresh

viz., A5 Ponnaibabu, A4 Arul, A6 Ramu @ vinoth, A8 Thirumalai and A9 Manna @ Manivannan believed that the deceased is behind the murder of their relative and friend Arcod Suresh. Therefore, A5, with the common intention to commit murder of deceased Armstrong and Jeyabal, conspired with his relatives and friends, A4, A6, A7, A8, A9 and A13. When this conspiracy was shared with A15 Porkodi wife of Arcot Suresh, she has also joined in the said conspiracy and handed over 10 sovereign bracelet belongs to Arcot suresh to A6 as sheet money. A4 has pledged the same and received a sum of Rs. 3.26 lakhs and prceeded with the conspiracy to the cause the murder of deceased Armstrong.

16. It is the further case of the prosecution that having known that, A1 and A3 have prior enmity with deceased Armstrong, on 09.04.2024 A4, A7 and others had met A3, under guise of discussing a land disputes in connection with one Sudhakar and thereafter, A4 had revealed the conspiracy they hatched to cause the murder of the deceased to A3. On 24.04.2024, A1 has come to Rela hospital for treatment. A3 has informed about the conspiracy hatched by A4 and others to cause the murder of deceased Armstrong and sought his approval. A1 has also offered to extend his support to cause the murder of Armstrong as he is the hindrance for their political growth. On 01.05.2024, A3 has informed A4 about their support for the murder of deceased Armstrong.

17. It is the further case of the prosecution that having known the privious enmity A2 had with the deceased, A4 approached A17, Hariharan, who is close to A2 A17 had contacted A2 over telegram app and informed about the conspiracy hatched by A4 and others. A2 had also agreed to join the said conspiracy and offered to extend his support by providing money and country bombs etc. In furtherance of the said conspiracy, A2 has arranged a sum of Rs.4 Lakhs through his aide A18 Mottakrishnan and handed over to A17. In the end of May 2024 A17 handed over the same to A4 in the presence of A20 Sathiskumar. A4 used the said 4 Lakhs and a sum of Rs. 3.56 Lakhs obtained by pledging the bracelet of Arcot Suresh for executing the said conspiracy.

18. It is the further case of the prosecution that on 15.04.2024 at around 02.30 p.m., A18 has handed over a sum of Rs. 9.50 Lakhs and two knives to A21 Shiva near Madras High Court. A18 informed A21 that the said money and weapon are meant for causing the death of said Armstrong and he has to hand over the same to the person nominated when he was instructed to do so. The said sum of Rs. 9.50 Lakhs and two knives were recovered by the police during investigation.

19. It is the further case of the prosecution that A29, Anjalai, the 2 nd wife of Arcod Suresh, had gone to the death of Arcot Suresh, A5, A4 and his associates were talking with each other that they have to do something who is responsible for the murder of Arcot Suresh. At that time, A29, told them to approach her if they need

any help in this regard. Further, in December 2023, A4 revealed the conspiracy hatched with other Accused to A29 and in turn A29 induced A4 to cause the murder of Armstrong and thereby abetted the said crime.

20. It is the further case of the prosecution that in 2018, A22 Pudhur Appu got 4 country bombs from one Mylapore Sivakumar and concealed the same in the godown belonged to Moses who is the relative of A26 Rajesh. On 14.06.2024, as per the instructions of A2, out of the said 4 country bombs, 2 Country Bombs were arranged to be handed over to A17 & A18 through A23 to A28 by A22 at the Omanthoorar Government Hospital Parking. Accordingly, on 14.06.2024 A23 to A28 handed over the same to A17 and A18 by keeping the same in a Lunch Bag. A23 to A28 were informed that the said country bombs were required for the purpose of causing death of a big shot. At the end of November 2022, A2 has handed over a gun and 4 bullets to A22 through some unidentifiable persons. In June 2024, A2 contacted A22 over telegram App and asked A22 to handed over the said gun and 4 bullets to the person assigned by him for murdering the deceased and A22 has also agreed to the same. The said gun and 4 bullets were recovered from A22 at Shakthi Depot belong to one Shankar on 24.09.2024.

21. It is the further case of the prosecution that A17 and A18 handed over the said lunch bag with country bomb to A4 in the presence of A20 near Ambedkar Statue situate within the campus of the Madras High Court. A4 and A20 have taken the same

to a drug de addiction center by name 'Grace Foundation' where A4 and A14 were hiding themselves. A7 created yet another country bomb and placed the same in the said lunch bag. A17, who used to frequently visit A30 at her house, informed the conspiracy hatched against the deceased to A30 but she has not revealed the said illegal design to the police.

22. It is the further case of the prosecution that in furtherance of the said conspiracy, on the birth day of Arcot Suresh i.e 05.07.2024, at around 07.15 pm, A4 to A13 assembled unlawfully and caused the death of the Armstrong by attacking him- 17 - with knives and caused injuries to two witnesses by name balaji and Nesamoorthy who attempted to prevent the attack on the deceased and thereby attempted to cause their death. Further, they threatened the construction workers who have come to the rescue of the deceased Armstrong.

23. The allegations against the petitioner herein is that she is the wife of one Arcot Suresh who was murdered by persons closed to one Jayabal. The relatives and friends of the said Arcot Suresh, namely, A4/Arul, A5/Ponnai babu, A6/Ramu @ Vinoth, A8/Thirumalai and A9/Manna @ Manivannan believed that the deceased is behind the murder of Arcot Suresh. Therefore, A5 conspired together with other Accused and when his consipracy was shared with this petitioner, she was also joined in the said conspiracy and handed over 10 sovereign bracelet belongs to her husband Arcot Suresh to A6 as sheet money. A4 has pledged the same in his name

and received a sum of Rs. 3.26 Lakhs and made arrangement to execute the conspiracy to cause the death of the deceased Armstrong.

24. On careful perusal of the records, as contended by the learned counsel for the petitioner, it is found that in the 1st confession given by the A4 and A5, the petitioner was not implicated. Only in the 2nd confession, they have spelt out the role played by the petitioner herein. Though the learned counsel for the petitioner contended that the involvement of the petitioner only an afterthought and therefore, it cannot be given any evidence, from the submissions of the learned Senior Special Public Prosecutor, it is found that the involvement of the petitioner came to light only in the further investigation and A4 and A5 had purposely concealed the involvement of the petitioner in the first confession. When the said Accused were confronted thereafter, they have slowly opened up and spelt out the involvement of the petitioner in the above conspiracy.

25. Merely because, the Accused have not stated about the involvement of the petitioner in the first confession, at this stage, it will not inure any benefit to the petitioner herein. Further, the learned counsel for the petitioner contended that, it is A4 has pledged the said jewel with pawn broker and received money. The receipt issued by the pawn brokers also confirmed the same. Therefore, according to the learned counsel for the petitioner, there is no materials available to show that the petitioner herein is the one who has given the said bracelet to A6. Even A6 has not deposed about the same in his confession.

26. It is true that the confessions of the Accused A4, A5 and A6 are confessions to the police officer which cannot be proved during the trial. However, it is also well established Principles of law that, since the conspiracy is hatched in secrecy no direct evidence would be available. The conspiracy can be inferred only through the circumstance proved by the prosecution. If the circumstances proved discloses the involvement of the petitioner herein, then even if the role played by the petitioner is a small one, she is answerable for the acts and deeds of her co-conspirators.

27. From the submission of the learned Senior Special Public Prosecutor, it is found that the prosecution projected LW1 to LW237 and produced 704 documents. In the above witnesses to be examined and the documents to be marked through them. The circumstances which leads to conspiracy and the involvement of the co-conspirators can be proved only during trial. Therefore, this court is of the considered view that there are materials to presume that the petitioner being wife of Arcot Suresh is having sufficient motive to retaliate her husband's death. The 10 sovereign gold bracelet belongs to the Arcot Suresh was handed over to A6 and A6 to A4 which was later pledged with pawn brokers for the purpose of execution of conspiracy. Therefore, there are materials to presume that the petitioner herein is the one who has offered the same to arrange money for the execution of conspiracy. Since there are sufficient materials available as against the petitioner herein, this court is of the considered view that she is not entitled to discharge.

27. Result:

In the result, this petition is dismissed.

Dictated to the stenographer, transcribed by him, corrected and pronounced by me in the open Court, on this the 28th day of April, 2026.

**Principal Sessions Judge
Chennai**