

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. 9/2025

in

SC.No. 425/2024

in

Crime No.293/2024

1. Appu @ Puthur Appu, (A-22)

2. Mukilan (A-23)

3. Noor @ Vijay @ Vijayakumar (A-24)

4. Vignesh @ Appu (A-25)

.. Petitioner/Accused-
A-22, A-23, A-24, A-25

Vs.

State Rep by
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.

.. Respondent /complainant

This petition is coming on this day before this court for hearing in the presence of M/s.Kumar Talrejaa, D.Padmanabhan, D.Saravanakumar, the Counsel for the petitioner and of the Senior Public Prosecutor for respondent police and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioners/A-22, A-23 A-24 A-25 have come up with present application seeking for discharge.

2. The petitioners, in their petition, submitted as below:

This petition is filed without prejudice to the legal rights of the Accused at a later stage which the defence may take. The prosecution has not obtained sanction to prosecute Accused A22, A23, A24, A25 under Sec. 7 of the Explosives Substances Act, which clearly gives this court to discharge the Accused in this false case filed against them. Further, under Sec 39 of Arms Act sanction has not been obtained against A22 and others in this case. The allegation that on 05.07.24 the Bomb was noticed by a police constable and he took it to police station. After two days, from the police station bomb was seized goes to show that the Bomb theory has been falsely shown in this case to prejudice the Accused in this case. The other alleged bomb seized is not corroborated against these Accused at all. All the Mahzar and articles connected with above alleged bomb has been sent to court belatedly. In the charge sheet, no explanation for the above points has been stated. This shows the above Accused are falsely implicated in this case. It's therefore prayed that this Hon'ble court may be pleased to discharge Accused A22, 23, 24, 25 in the above case and thus render Justice.

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

The Petition filed by the petitioners/A-22, A-23 A-24 A-25 are bereft of merits and the same is neither maintainable in law nor sustainable in facts and deserves to be dismissed. The case of the prosecution broadly is that the friends and relatives of one Late Arcot Suresh A + category rowdy hatched a conspiracy to murder

Mr.Amstrong and roped in Nagendran (A-1) and Ashwathaman (A-3) and Senthil Kumaran alias Sampava Senthil (A-2) in the same and all of them conspired and planned to kill/murder Mr. Armstrong. The case of the prosecution is that in order to carry out the murder of Mr.Armstrong, Sampava Senthil (A-2) contacted Appu alias Pudur Appu (A-22) over cellphone through the telegram online platform and wanted country made bombs to carry out the murder of Mr. Armstrong. Appu alias Pudur appu (A-22) thereafter through Accused Senthil kumar alias kumara (A-28) contacted Accused Rajesh (A-26) on Senthil kumar (A-28) cellphone and enquired about the country made bombs. To this Rajesh (A-26) had replied after verification that 4 country bombs were kept in the Godown belonging to one Moses (LW-118) who is the relative of Rajesh (A-26). Thereafter, Pudur appu (A-22) on 14.06.2024 directed Rajesh (A-26) to send the country bombs to Mount Road SukkuBai biriyani shop and give them to persons sent by A-28. A-26 arranged Mukilan (A-23) and Noor alias Vijayakumar (A-24) who will come to collect the same in the godown of Moses. Accused Rajesh (A-26) then arranged the bombs to be handed over to the above 2 Accused from the said Godown by Vignesh Alias Appu (A-25) who was working in the godown of Moses.

In pursuance of the same A-23 and A-24 aforesaid went to the godown of Moses (LW-118) located in Kodambakkam on 14.06.2024. The said Accused collected the two country made bombs from the aforesaid A-25. They were then directed by the aforesaid Accused A-28 to proceed to the Omandurar Government Hospital vehicle parking. While doing so, the aforesaid Accused A-23 dressed

himself in the uniform of Chennai Corporation conservancy worker. The Accused A23 and A-24 used Honda Activa scooter bearing Registration number TN 09 CY 5296 (L.D.No.311). They proceeded to the Omandurar Government Hospital Vehicle parking. The number plate of the said scooter was defaced with sandal wood paste on the instructions of above Accused A-26. In the said parking Hariharan (A-17) and Krishna Kumar alias Mottai Krishna (A-18) were waiting on a Yamaha R15 motorbike bearing registration number TN 03 W 1689 (L.D.No.311). The aforesaid Accused A-22 then sent Accused Gopi (A-27) to identify the aforesaid Accused A-18.

The above Accused A-27 travelled to Omandurar Government Hospital on a Splendor bike driven by Akash (LW 113) bearing registration number TN 09 DB 4137 (L.D.No.324) and thereafter the above Accused A-23 and A-24 who were directed by A-28 to come to Omandurar Government Hospital Vehicle parking handed over the country made bombs to A-17 and A-18 on identification by A-27. During the entire occurrence of the bombs being transported from the Godown in Kodambakkam and being handed over to A-17 and A-18 in Omandurar government hospital vehicle parking the Accused A-28 was in constant touch with A-23 and A-24 and A-27 over Cellphone and Telegram platform to ensure that they reached the destination and carried out their mission. These 2 country made bombs were kept in a lunch bag filled with saw dust and packed safely, were then transported by A-17 and A-18 to the Madras High Court campus and handed over to Arul (A-4) and Sathish Kumar (A-20) near the Ambedkar Statue. These bombs were then taken to the scene of occurrence by Tiruvenkadam (A-7) and recovered by the Police from the Scene of

occurrence. It is submitted that the vehicular movements of all the above Accused and their activities in the Omandurar vehicle parking in the CCTV cameras. In the CCTV cameras in the said parking and the Wallajah Road Anna Statue Junction.

There are enough materials available on record before this Hon'ble court. There is sufficient ground for proceeding against the petitioners/ A-22, A-23, A-24, A-25. The petitioners/ A-22, A-23, A-24, A-25 have clearly entered into a criminal conspiracy with the other Accused and pursued the common object to do an illegal act of murdering the deceased Mr. Amstrong. He has been a party to the criminal conspiracy to commit the murder of Mr. Amstrong not stopping with this he has also abetted the commission of the offence and as a consequence the offence was committed. He has instigated and assisted the other Accused to go ahead with the murder of Mr. Amstrong. The prosecution has obtained permission/sanction from the appropriate authority to prosecute the concerned Accused for offences under the Explosives act.

It is therefore respectfully submitted that there is sufficient material to proceed against the petitioners/A-22, A-23, A-24, A-25 for offences under section 103(1) r/w 49 BNS and 4 (b)(1), 5(a) of Explosive Substance Act-1908 and it cannot be said or contented that there is no sufficient ground for proceeding against petitioners/A-22, A-23, A-24, A-25 and discharge them from the above case. 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. These 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 with accordance with law. Hence, it is prayed that this Hon'ble court may be pleased to dismiss the application for discharge filed by the petitioners/ A-22, A-23, A-24, A-25.

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/A-22 A-23 A-24 A-25 to proceed to frame of charges against them or not?

6. ANSWER:

6.The learned counsel for the petitioners, in their written submissions, submitted as follows:

6.1. The Accused are innocent and have been falsely implicated. A-22 was arrested on 21.09.2024, A-23 was arrested on 27.07.2024, A-24 was arrested on

27.07.2024, A-25 was arrested on 27.07.2024. The case against these Accused is only in confession of co Accused. This fact is admitted by the protection in their counter filed in the above petition. The Accused further submits that the alleged occurrence took place on 05.07.2024 at 7 pm. Whereas in the grounds of detention it was stated that the occurrence took place in the morning of 05.07.2024. These Accused are not named in the FIR. The sanction to prosecute under the arms Act and Explosive substance Act is not mentioned in the final report. It's only shown as a document. The CBI police always make a mention in the final report, that is they state that the day, date and place, the officer who gives sanction. This basic fact is not shown in the chargesheet. Mere filing of documents is illegal and this court ought to reject that a sanction has been obtained. The Accused further submits that the alleged bomb is taken on 06.07.2024 and not on 05.07.2024. One witness, a police officer says that on 06.07.2025 he took bomb from the place near scene of occurrence. But only on 07.07.2024 the alleged bomb is shown to be for this case. Strange no bomb blasted to kill the victim. So the Bomb theory is only to create prejudice against these Accused.

6.2. The Accused further submit that when there is no bomb blast then only attempt to commit a bomb offence could be the legal implications. The alleged forensic method is not sufficient to say it's a bomb that has been seized. These Accused are only third layer Accused, that is the first layer is the actual assailant, the second layer is the motive to kill holding Accused. These Accused are only third layer. So these layers are created falsely by the prosecution. These Accused are innocent and falsely implicated. Hence, they may be discharged. Mere confession of

co Accused is inadmissible in law when primary evidence itself is inadmissible, then secondary evidence cannot be a substitute namely the CCTV footage, bank transaction, mobile coverage..etc are inadmissible. Moreover, forensic evidence is based on mobile apps usage which is not authorised by the central government or state government. No GO is shown that the App used by forensic lab used are accepted in evidence.

7.1. Per contra, the learned Senior Public Prosecutor submitted that in the year 2005, the mother of A2 M/s. Rajesh has purchased a house at 4th Street, A.K.Swamy Nagar, Kilpauk. In the said building, the 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 person who is close to the deceased Armstrong and A2. After giving a sum of Rs.12 lakhs, the persons close to the deceased Armstrong had vacated the premises. Therefore, there exists prior enmity between A2 and the deceased Armstrong.

7.2. The learned Senior public Prosecutor further submitted that having known about the said previous enmity A2 had with the deceased, A4 approached A17 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 extent support by providing money and country bomb etc. In furtherance of the said conspiracy, A2 arranged a sum of Rs. 4 lakhs through A18

and handed over to A17. In the end of May 2024, A17 handed over the same to A4 in the presence of A20. A4 used the said 4 lakh and a sum of Rs. 3.56 Lakhs obtained by pledging the bracelet of Arcot Suresh for executing the said conspiracy.

7.3. The learned Senior Public Prosecutor further submitted that in the year of 2018, A22 got 4 country bombs from one Mylapore Sivakumar and kept concealed the same in the Godown of one Mosos, who is the relative of A26. 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 and A18 through A23 to A28 by A21 at Omanthurar Government Hospital. Accordingly, on 14.06.2024, A23 to A28 handed over the same to A17 and A18 by keeping the same in a lunch box. A23 to A28 were informed that the said country bomb were required for causing the death of a big shot. Therefore, according to the learned Senior Public Prosecutor having known that it should be used for causing the death of the Armstrong, they had handed over the country made bomb and therefore, they also part of larger conspiracy for causing the death of deceased Armstrong. The prosecution has recovered CCTV footages from Omanthurar Government Hospital and the scene of crime. The country bombs handed over through lunch box were sighted in the CCTV obtained in the scene of crime and subsequently recovered by the police. Though, the country bombs were not used for causing the death of deceased Armstrong, it was arranged only for the purpose of causing the death of the deceased Armstrong. Therefore, the petitioner being a co- conspirator is fully liable for the death deceased Armstrong. Hence, according to the Senior Public

Prosecutor, there are sufficient materials to proceed against the petitioner herein. Therefore, he prays to dismiss the discharge petition.

8. 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 petitioners are arrayed as A-22 A-23 A-24 A-25 and it is the case of the 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.

9. 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 3rd 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.

10. 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.

11. It is the further case of the prosecution that one Arcot Suresh, who is the brother of A5/Ponnaibabu, and one Oтраikan 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.

12. 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.

13. 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.

14. 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.

15. It is the further case of the prosecution that A29, Anjalai, the 2nd 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.

16. 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.

17. 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.

18. 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 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.

20. From the above, it is clear that, as submitted by the learned counsel for the petitioner, the allegations against the petitioner comes under one of the motives that is previous enmity between A2 and the deceased. Though the learned counsel for the petitioner submitted that A2's contribution was not revealed and motive as to purchase of property was not proved by the oral as well as documentary evidences, from the submission of the Public Prosecutor, it is found that in the furtherance of conspiracy to cause the death of the deceased Armstrong, A4 approached A2 for the execution of the said conspiracy and A2 has also agreed to offer his support. It is the case of the prosecution that only on the instructions of A2, the country made bomb kept at the godown of Moses, A26 transported through the petitioner and other co-Accused and reached the hands of the assailants. The lunch back containing country bombs were sighted in the CCTV and subsequently recovered by the police. Though the country bombs were not used for the commission of trial, as contended by the learned Public Prosecutor, it is found that these country bombs were transported to the scene of crime, only with an intentions to cause the death of the deceased

Armstrong. Therefore, whether the bombs are used or not. As per the case of the prosecution, it is transported for the execution of the conspiracy. It is well established Principles of Law, in a case of conspiracy, even if a small role played by one of the conspirators, he is responsible for the acts done by the co-conspirator also. The prosecution has relied on the statements and CCTV footages to prove the involvement of A-22, A-23, A-24 and A-25 including the petitioner herein.

21. Therefore, this court found that there are sufficient materials available as against the petitioner herein to proceed further, this court is of the considered view that he is not entitled to discharge. Accordingly, this petition is dismissed.

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**