

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. 10/2025
in
SC.No. 425/2024
in
Crime No.293/2024

Pradeep

.. Petitioner/Accused-16

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 Special Public Prosecutor for respondents police and upon hearing both sides, this Court delivered the following,

ORDER

The petitioner/A-16 has come up with present application seeking for discharge.

2. The petitioner in her petition submitted as below:

The present petition for discharging him from the charges of S.61(2),(a) r/w. Ss.103(1), 103, (1) r/w S.61(2)(a) & 238 r/w S.103 (1) of BNS 2023 in S.C.No. 425/2024. There was no concrete, material has been substantiated 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.16. 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. In the witness No. 159, 161 who is the attesting witness of the confession statement of the petitioner further the witness 131, 132 are speaks about the loss of SIM card

which was used in the case. 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 except document Nos.574,575, 576, 583 of CDR reports. 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, implied abetment 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. No evidence or concrete proof available against the petitioner in order to rope in the case. Therefore, the petiitoner has no other option except to approach this Court under section 250 of Bharatiya Nagarik Suraksha Sanhita-2023 for discharging him.

2.6 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 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 cognisable 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.

3.1 The petition filed by the petitioner/A16 is bereft of merits and the same is neither maintainable in law nor sustainable in facts and deserves to be dismissed. The petitioner is arrayed as Accused No.16 in the final report filed by this respondent in SC no.425/2024. The Petitioner/A16 was a relative of the late Arcot Suresh who was a popular A + category rowdy. He was very close to late Arcot Suresh and had even taken care of him when the said late Arcot Suresh was admitted for a Heart operation in a private hospital in Kodambakkam. The Petitioner/A16 was told by the Accused Balu alias Ponnai Balu (A-5) to watch the movements of Mr. Armstrong and also to look out and arrange for a rented house

for the stay of the other Accused who were to execute the murder of Mr.Armstrong. Balu alias Ponnai Balu (A-5) had in the month of February 2024 given a SIM card for Cell No. 6379908944 to the Petitioner/ A-16 to be used only for the purpose of watching and communicating the movements of Mr. Armstrong. The petitioner/A-16 has used the above cell number only for reporting the movements of Mr.Armstrong and communicating the details necessary to accomplish the mission of murdering Mr. Amstrong to the Accused (A5) and (A4).

3.2 The petitioner/A-16 has on 04.07.2024 and the morning of 05.07.2024 communicated to Balu alias Ponnai Balu (A-5) that the deceased Mr. Armstrong was coming to the place of occurrence alone. At that time, Balu alias Ponnai Balu (A-5) had told the petitioner/A-16 that 05.07.2024 was the birthday of late Arcot Suresh and that Armstrong should be murdered on that date. Therefore, the petitioner/A-16 had participated in the conspiracy and abetted the murder of Late Mr. Armstrong by watching the movements of the latter and reporting to Arul (A-4) and Balu alias Ponnai Balu (A-5) through cellphone. In pursuance of the execution of the conspiracy and the support intelligence, information and abetment provided by the petitioner/A16, Mr. Armstrong was attacked in the scene of occurrence on 05.07.2024 at about 07:00 P.M. Further, the petitioner/ A16 has prior to the actual occurrence spoken over cellphone to Ramu alias Vinoth (A-6), Thirumalai (A-8), Haridharan (A-19) and Porkodi (A-15) regarding the execution of their evil mission. (CDR L.D. No.575 (i) & (ii)). After the murder of Mr. Armstrong the petitioner/ A-16 had broken the SIM card and the cellphone and destroyed the evidence.

3.3 The prosecution has produced the confession of Balu alias Ponnai Balu (A-5) [L.D. No.244) which clearly implicates the Petitioner/A16. Further, the CDR of Cellphone Nos 6379908944 and 8610580523 used by the petitioner/A16 and the CAF records of the above cell numbers has been seized and produced by the prosecution (L.D. No. 552, 558 & 575 (1)) and [L.D. No.575 (2)), (CAF L.D. No.624 & 608). Further, the statements of Tmt. Amudha (LW 131) and Mr. Soori Thangaraj (LW-132) clearly will show that SIM Card No. 6379908944 was taken from the said amudha by her husband Soori Thangaraj and handed over to Accused Thiruvankadam (A-7) on the latest request and that the same had later reached the petitioner/A16 as stated above and had been used by the petitioner/A16 to facilitate the murder of Late Mr. Armstrong. The petitioner/A-16 was arrested on 25.07.2024.

3.4 There is sufficient ground for proceeding against the petitioner/A-16. The petitioner/A16 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. 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 of the same the offence was committed. He has aided and induced the other Accused to go ahead with the murder of Mr. Amstrong. There is sufficient material to proceed against the petitioner/A16 for offences under section 61(2)(a) r/w 103(1), 103(1) r/w 61(2)(a) and 238 r/w 103(1) BNS and it cannot be said or contented that there is no sufficient ground for proceeding against petitioner/A16 and discharge him from the above case.

3.5 At the stage of framing charge it has to be only seen and considered by this Hon'ble 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 Hon'ble 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 with accordance with law. Hence it is prayed to dismiss the application for discharge filed by the petitioner.

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/A16 to frame charges against him or not?

6. ANSWER:

6.1. The learned counsel for the petitioner submitted that the petitioner was implicated based on the confession given by A5 dated 06.07.2024. According to the prosecution, the petitioner has watched the movement of the deceased Armstrong and informed the same to A5. Though the cell phones said to have been recovered and CDR were obtained, they are not relating to any of the Accused. One cell phone stands in the name of LW131 Amutha, bearing No. 63799 08944 was said to have been handed over 3 years ago. LW138, Soori Thangaraj stated that the cell phone was given to Thiruvenkadam, who died in encounter, which was reached at the hands of A16. The cell phones were not remanded in the court and according to the prosecution, the said cell phone was thrown out in the Railway track.

6.2. According to the learned counsel for the petitioner, no material to show that the cell phone was used for the commission by the petitioner. According to the learned counsel for the petitioner, A4, A5, A6 and A7 are relatives of Thiruvenkadam. No cell phones seized from the said Thiruvenkadam. None of the co-Accused stated that the phone was used by the petitioner and they were talking or in touch with the petitioner. Therefore, according to the learned counsel for the petitioner, absolutely there is no material to show that the petitioner involved in the alleged crime. Hence, prays for discharge.

7. Per contra, the learned Senior Special Public Prosecutor submitted that the petitioner is the neighbour of the deceased Armstrong to the place where the deceased was constructing the house. The petitioner is close to the deceased Arcot Suresh. When the deceased Arcot Suresh hospitalized, the petitioner had taken care of him. A4 and A5 who are the relatives of the deceased Arcot Suresh, requested A16 to inform about the movement of the deceased Armstrong. The call details records of A-5 discloses that A16, A15 were constantly talked with each other. The cell phone of A16 used bearing no. 63799 08944. The said SIM card belongs to one Amutha LW131 the wife of Soori Thangaraj. Soori Thangaraj purchased the SIM in the name of his mother, which was not used. During February 2024, Soori Thangaraj handed over the cell phone to A7, and A7 handed over to A5, from A5 it was transported to A6 and through A6, it reached at the hands of A16 for exclusively to A16 and A17 for the purpose of reporting the movement of the deceased Armstrong. The CDR details and records clearly discloses the frequent calls between A5 and A16. Though, the cell phone destroyed after the murder of the deceased Armstrong, the CDR is sufficient to prove the complexity of the petitioner. The confession of A5 also speaks about the involvement of the petitioner. Therefore, according to the Senior Special Public Prosecutor, there are sufficient materials to proceed against this petitioner. Therefore, he prayed to dismiss the discharge filed by the petitioner.

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 petitioner is arrayed as A-16 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- 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.

19. From the above, it is clear that the allegations against the petitioner (A-16) is that the petitioner is the neighbour of the deceased Armstrong to the place where the deceased was constructing his own house. The petitioner is also close to one Arcot Suresh who was murdered by the close aides of one Jayabal. As per the case of the prosecution, the friends and relative of the deceased Armstrong were under the impression that the deceased Armstrong was behind the murder of Arcot Suresh. They have conspired to the cause the death of Armstrong and Jayabal.

20. In this connection, the brother of the deceased Arcot Suresh, A5 approached A16, the petitioner herein to inform about the movement of the deceased Armstrong. Though the learned counsel for the petitioner submitted that there is no proof to show that the said cell phone no. 63799 08944 was used by this petitioner and there is no evidence at all, from the submissions of the learned Senior Special Public Prosecutor, it is found that the SIM Card stands in the name of LW131, the wife of one Soori Thangaraj. From the statement of LW131 Amutha, it is found that during February, at the requests of her husband, she handed over the said SIM to her husband. The statement of Soori Thangaraj discloses that he handed over the said SIM card to A7 (who was died in a police encounter).

21. As per the case of the prosecution, the said SIM Card was handed over to A5 through A7 and thereafter from A5 to A6 and ultimately handed over to the petitioner herein for exclusive communication between A5 and A16. The call details collected discloses frequent talk between A5 and the petitioner herein. Therefore, as submitted by the learned Senior Public Prosecutor, though the cell phones was not recovered, the CDRs discloses the frequent talk between the petitioner and A5.

22. The confession of the petitioner herein reveals that he used to call A5 through cell phone no. 637990 8944 and 85550 64315. Further, he called through the cell phone No. 86105 80523 to Vinoth Cell phone no. 63801 80579 and disclose about the movement of deceased Armstrong. Apart from that, A5 confession also disclose about the involvement of the petitioner herein. The learned counsel for the petitioner submitted that the confession of the Accused cannot be used for the purpose of framing of charges as it cannot be translated into acceptable evidence during the trial. There is no quarrel over the above position of law. However, from the above discussions, it is clear that the prosecution is not only relied on the confession of the co-Accused but also relied on other materials and cell phones CDR etc. In a case of conspiracy, no direct would be available and the conspiracy can be proved only through the circumstances proved by the prosecution. The defence plea can be appreciated only at the time of trial and not at this stage. Therefore, this court found that there are sufficient materials available to proceed against the petitioner herein. Hence, this court is of the considered view that the present petition should fail.

23. 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**