

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. 12/2025

in

SC.No. 425/2024

in

Crime No.293/2024

Kumara @ Senthilkumar,

.. Petitioner/Accused-28

Vs.

The 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.D.Padmanabhan, D.Saravanakumar, M.Palanimuthu, 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 petitioner/A28 has come up with present application seeking for discharge.

2. The petitioner in his petition submitted as below:

2.1 The petitioner was arrested by the respondent police and was remanded to judicial custody on 22.08.2024 in Crime No. 293 of 2024 for alleged offences U/s. 61(2)(a), r/w Ss.103(1), 191(3), 351(3), 109, 238 r/w Ss.190, 49 of BNS, 4(b) r/w S.5, 6 of Explosive Substances Act 1908 and S.3 r/w S.25(1B)(a) of Arms Act 1959 for

the occurrence which took place on 05.07.2024. The allegation against the petitioner is that he assisted the other Accused to deliver the Explosive substance i.e. Country made bomb to Mr. Hariharan S/o Kumar (Accused-17) and Mottai Krishna @ Krishna Kumar (Accused-18) at Chennai Omandurar Multi Specialty Hospital on 14.06.2024.3. To substantiate their case, the prosecution has cited 237 Witnesses, 704 Documents and other Material Objects and the same was made over to this Hon'ble Court.

2.2 The case of the prosecution is that on 05.07.2024 one Mr.Amstrang was brutally murdered by some group. In the course of investigation, the respondent police secured 2 country made bombs near the scene of occurrence and it is alleged that the petitioner is involved in the murder by supplying those country made bombs to other Accused. Based on the confessions from other Accused the petitioner was arrested and remanded to Judicial custody. In view of the facts and circumstances of the case, the petitioner/Accused-28 is liable to be discharged from the case on the following grounds:

2.3 The petitioner was doing decoration work which has been referred by Mr.Rajesh (Accused-26) so that he has some phone conversation with him regarding the decoration work. Apart from these facts, there has been nothing happened like stated in the confessions. The respondent police had neither recovered those country made bombs from the petitioner nor provided any substantiate evidence to show that the petitioner had supplied those country made bombs to above said Accused. Since the

Accused- 22 to Accused-28 are residing in same locality and they were close friends, the respondent police willfully added the petitioner in this case. Since he is a friend of the Accused-22 Mr.Appu @Puthur Appu, to secure him, the innocent petitioner has been added in this case by the respondent police and he does not assist anyone to supply those explosive substances.

2.4. On examination of the complaint and the documents filed by the respondent, it is clear that the charge against the petitioner is groundless and untenable. There are no witnesses or documents to connect the allegations mentioned in the complaint as against the petitioner. Hence, the petitioner prays to discharge the him from the above case as the charge against him is groundless and thus render justice.

3. The respondent in its counter contended as below:

3.1 The Petition filed by the petitioner/A28 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.28 in the final report filed by this respondent in SC no.425/2024. 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. Amstrong. 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) 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 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 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 A 23 and A-24 used Honda Activa scooter bearing Registration No. TN 09 CY 5296 (L.D.No.314). They proceeded to the Omandurar Governmen Hospital Vehicle parking. The number plate of the said scooter was defaced with sandal wood paste on the instructions of above Accused

A26. In the said parking Hariharan (A-17) and Krishna Kumar alias Motta Krishna (A-18) were waiting on a Yamaha R15 motorbike bearing registration No. TN 03 W 1689 (L.D.No.311). The aforesaid accused A-22 then sent Accused Gopi (A-27) to identify the aforesaid Accused A18. The above Accused A-27 traveled to Omandurar Governmer Hospital on a Splendor bike driven by Akash (LW 113) bearing registration No.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 Omandurar Government Hospital Vehicle parking handed over th 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. The petitioner/ A-28 was arrested on 22.08.2024.

3.2 The prosecution has produced the confessions of A-28 (L.D.No.270) and the confessions of Mukilan/A-23 (L.D.No.262), Vijayakumar alias Noor alias Vijay/ A24 (L.D.No.263), Rajesh/ A-26 (L.D.No.268), Gopi/ A-27 (L.D.No.269), and Pudur Appu alias Appu/A-22 (L.D.No.271). These confession has lead to discovery, and recovery of the articles. Country made bombs have been recovered and the prosecution has obtained explosives examination report (L.D. No.725). The statement of Moses (LW 118) in whose Godown the bombs were concealed were also recorded. The CDR and CAF of the cellphone number of the 8939485781 used by the Petitioner/ A-28 have been produced by the prosecution (L.D.No.570 & 625). All the above materials point out the complexity and the involvement of the petitioner in the offence.

3.3 There are enough materials available on record before this court. There is sufficient ground for proceeding against the petitioner/ A-28. The petitioner/A28 has 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. Armstrong. He has been a party to the criminal conspiracy to commit the murder of Mr. Armstrong 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. Armstrong. The prosecution has obtained permission/sanction from the appropriate authority to prosecute the concerned Accused for offences under the Explosives Act.

3.4 There is sufficient material to proceed against the petitioner/A28 for offences under section 103(1) r/w Ss.49 BNS and S.4 (b)(1), r/w S.6 of Explosive Substance Act-1908 and it cannot be said or contented that there is no sufficient ground for proceeding against petitioner/A28 and discharge him 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. 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. 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/A28 to frame charges against him or not?

ANSWER:

6. The learned counsel for the petitioner submitted that the prosecution has alleged three motives for the murder of deceased Armstrong. As per the case of the prosecution, the petitioner fall on the 3rd motive that is enmity between A2 and deceased in relation to certain land disputes. However, definitely there is no details as to purchase of property, none of the witnesses were stated in their statements with regard to the said land disputes. The prosecution has not recovered any documents to prove the same. A2 contribution was not revealed in the prosecution materials. In the case of murder of Thennarasu, A2 name was deleted in by CBCID charge sheet due to protest. The statement of Arumuga raj does not disclose anything and it does not show any witnesses. There is no piece of evidence to show that A17 threatened A2 and no witnesses was examined to that effect. There is no evidence to show that A2 and A22 have spoken with each other. Likewise, A22 has spoken to A24 and A24 has spoken to A26. In a case of circumstantial evidence, the chain should be complete without any break. The chain has not completed and there are many breaks. The deceased was not died due to explosive said to have been given by the petitioner. In the first confession recorded through A5 [Balu @Ponnaibalu](#), there is no whisper about this. The bomb said to have recovered from the scene of crime reached the court only on 19.07.2025 after much delay. The earlier investigation officer was gone on medical leave and the present investigation officer was investigated only to misdirect the investigation. Immediately on taking incharge of the said case, A7 was encountered to death in the police custody. The CCTV and CDRs are irrelevant. Absolutely there is no materials to show that the

petitioner is involved in the murder of the deceased Armstrong. The final report was filed without conducting proper investigation and that is why the Hon'ble High Court has squashed the final report filed by the respondent police and transferred the investigation to CBI. Therefore, the learned counsel for the petitioner prays for discharge from the charges levelled against the petitioner.

7.1 Per contra, the learned Senior Special Public Prosecutor submitted that in the year of 2005, the mother of A2 has purchased a house at 4th Street, A.K.Swamy Nagar, Kilpauk. In the said building, the cable TV operator business was carried out 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 are close 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 a prior enmity between A2 and the deceased Armstrong.

7.2 The learned Senior Special 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 to provide 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 using 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 Special Public Prosecutor further submitted that in the year 2018, A21 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 and 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 Special Public Prosecutor, having known that it would 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.

7.4. The learned Senior Special Public Prosecutor further submitted that the Investigation Agency 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 footage obtained from the scene of crime and subsequently recovered by the police. Though, the country bombs were not used for the cause of the death of deceased Armstrong, it was made arranged only for the purpose of causing the death of the deceased Armstrong. Therefore, the petitioner

has been 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 petitioner is arrayed as A28 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 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.

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 is comes under 3rd motive i.e 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 learned Senior Special 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 also agreed to offer his support. Only on the instructions of A2, the country made bomb kept at the godown of Moses, A2 and A26 was transported through the petitioner and other co-Accused and reached at 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 Senior Special Public Prosecutor, it is found that those country made 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 was transported in furtherance of the conspiracy.

20. It is well established principles of Law that in a case of conspiracy, even if a small role played by one of the conspirator, he is responsible for the acts done by the co-conspirators also. The prosecution relied upon the witnesses statements and CCTV footages to prove the involvement of A17, A18 and A23 to A27 and A-28/ the petitioner herein. Therefore, this court found that there are sufficient materials available as against the petitioner herein. The contentions of the defence can be adjudicated only during trial. Hence, this court is of the considered view that this petition should fail.

21. 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**