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CRL RC No. 1428 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1428 of 2026

CrI.MP.No.12309 of 2026

Kumara @ Senthilkumar, S/o.Vallikannan
No.24/43, Kamarajar Colony, 3rd Street
Kodambakkam, Chennai-12

..Petitioner(s)

Vs

The State Rep. by the Inspector of Police,
K-I Sembium Police Station, Chennai
Cr.No.293 of 2024

..Respondent(s)

Prayer:- This Criminal Revision Case is filed to set aside the order dated 28.04.2026, made in CrI.M.P.No.12 of 2025 in SC.No.425 of 2024 by the learned Principal Sessions Judge, Chennai, dismissing the discharge petition and to discharge the Petitioner/accused in SC.No.425 of 2024.

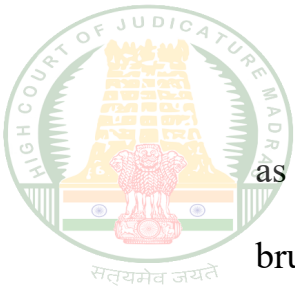
For Petitioner(s): Mr.Vikram Veerasamy for Mr.R.Karthik

For Respondent(s): Mr.M.M.I.Khaleel, GA (Criminal Side)

ORDER

1. The Criminal Revision Case has been filed, seeking to set aside the order dated 28.04.2026, made in CrI.M.P.No.12 of 2025 in SC.No.425 of 2024 by the learned Principal Sessions Judge, Chennai, dismissing the discharge petition and to discharge the Petitioner/A28 in SC.No.425 of 2024.
2. The case of the Prosecution is as follows:-

(a) The Petitioner is A28. On 05.07.2024, one K.Amstrang, who was serving

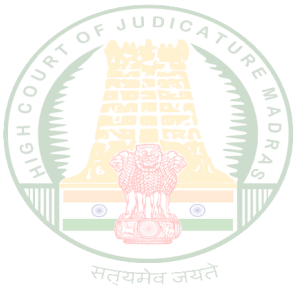


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as the Tamil Nadu State President of the Bahujan Samaj Party, was brutally murdered by a group of persons. During the course of investigation, the Respondent Police had secured two country made bombs near the scene of occurrence and the Petitioner/A28 was involved in the murder, by supplying those country made bombs to the other accused on 14.06.2024. Hence, the Petitioner/A28 was arrested and remanded to judicial custody on 22.08.2024 in Cr.No.293 of 2024 and he was charge sheeted for the offences under Sections 61(2)(a) read with 103(1), 191(3), 351(3), 109 , 238 read with 190, 49 of BNS, 2023 and 4(b) read with 5 and 6 of the Explosive Substances Act and Section 25(1B)(a) of the Arms Act for the alleged occurrence. The case was taken on file in SC.No.425 of 2024 by the Trial Court. Thereafter, the Petitioner/A28 had filed a petition in CrI.MP.No.12 of 2025 in SC.No.425 of 2024, under Section 250 of BNSS, seeking to discharge him from the case in SC.No.425 of 2024.

(b) While the said discharge petition was pending before the Trial Court, the younger brother of the deceased had filed CrI.OP.No.18671 of 2025, to transfer the investigation in Cr.No.293 of 2024, from the file of the Respondent Police to the file of the Central Bureau of Investigation, before this Court and the Coordinate Bench of this Court, vide order dated, 24.09.2025, had passed the following order:-

26. In the interest of justice, the charge sheet filed by the



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Respondent Police to the investigation conducted in Cr.No.293 of 2024, registered at K-1 Sembium Police Station, Chennai, is hereby quashed. The investigation is accordingly transferred to the Central Bureau of investigation, for a free fair and impartial inquiry, independent of media, political influence or local pressure. The third Respondent is directed to forthwith hand over the entire case record, materials, and connected documents to the 1st Respondent. The 1st Respondent shall complete the investigation and file a comprehensive final report before the competent court within six months from the date of receipt of the records, subject to extensions only on sufficient cause shown.

27. In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.”

(c) Thereafter, the Petitioner was released on bail, by the order dated, 10.11.2025, in CrI.MP.No.10005 of 2025, in SC.No.425 of 2024, of the Trial Court. While so, the Commissioner of Police, Greater Chennai Corporation, had filed SLP(CrI)No.15897 of 2025, before the Honourable Supreme Court, as against the order of transfer of investigation, dated 24.09.2025, passed by the Coordinate Bench of this court. Vide order, dated 10.10.2025, the Honourable Supreme Court had passed an interim order, staying the order of quashing the charge sheet only and directed that the transfer of investigation to CBI shall remain in operation. Thereafter, the Honourable Supreme Court had modified the order dated 10.10.2025, vide its order dated, 19.11.2025, staying the interim order of direction to transfer the investigation to CBI also.

(d) Then, the wife of the deceased, K.Amstrong, had filed CrI.OP.No.33740



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of 2025, for cancellation of bail to the Petitioner, before this Court and the Coordinate Bench of this Court, vide order dated, 27.02.2026, had cancelled the bail granted to the Petitioner by the Trial Court. In SLA(Crl)Nos.4427-4435 of 2026, the Honourable Supreme Court, vide order dated, 13.03.2026, had passed an interim order, staying the order of cancellation of bail granted to the Petitioner.

(e) By the impugned order, dated 28.04.2026, the said Petition, seeking to discharge, was dismissed by the Trial Court. Hence, this Criminal Revision Case has been filed, by the Petitioner/A28, seeking the relief, as stated above.

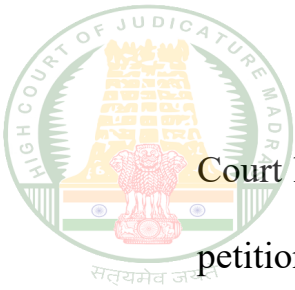
3. This Court heard Mr.Vikram Veerasamy for Mr.R.Karthik, the learned counsel for the Petitioner and Mr.M.M.I.Khaleel, the learned Government Advocate (Criminal Side) for the Respondent.
4. The learned counsel for the Petitioner has submitted that the Trial Court failed to independently analysis the specific role attributed to the Petitioner and that none of the CCTV Recordings demonstrates the presence of the Petitioner at the scene of the occurrence or his involvement in the commission of the alleged offence and that no explosive substance, weapon or any other incriminating material was recovered from the Petitioner and that no specific overt act has been attributed to the Petitioner and that none of the confessional statements of the co-accused discloses that the Petitioner had knowledge of the nature of the articles allegedly transported or that they were



intended to be used in connection with the alleged offence. The learned counsel would further submit that the final report does not disclose any specific role attributed to the petitioner and that in the absence of any material connecting the Petitioner with the alleged crime, continuation of the criminal proceedings against the Petitioner is not sustainable in law and in such circumstances, the learned counsel has prayed to allow this Criminal Revision Case, by setting aside the impugned order, dismissing the petition, seeking to discharge.

5. On the other hand, Mr.M.M.I.Khaleel, the learned Government Advocate (Criminal Side) for the Respondent has submitted that since the order, dated 24.09.2025, passed in Crl.OP.No.18671 of 2025, by the Coordinate Bench of this Court, quashing the charge sheet in Cr.No.293 of 2024 and directing the investigation to be transferred to the CBI, was stayed by the Honourable Supreme Court in SLP(Crl)No.15897 of 2025, by the orders dated, 10.10.2025 and 19.11.2025, the cognizance taken by the Trial Court in SC.No.425 of 2024 is still in force and that there is no change in circumstances in entertaining this Criminal Revision Case.

6. The learned Government Advocate (Criminal Side) for the Respondent has further submitted that there are sufficient materials to frame charges against the Petitioner for the offence under Section 201 of IPC and that the grounds raised by the Petitioner in the discharge petition are factual in nature, which can be tested only at the time of trial and that at the stage of discharge, the



Court has to look out whether prima-facie materials are available against the petitioner for framing charges and the Trial Court, finding availability of materials, for framing charges, had rightly dismissed the petition.

7. The learned Government Advocate (Criminal Side) for the Respondent has further submitted that allowing the discharge petition would enable the Petitioner to commit similar offences, tamper with the evidence, hamper the trial, abscond or evade the court, thereby adversely affecting the progress of the case. In support of his contentions, the learned Government Advocate has relied on the judgements reported in **2014 11 SCC 709 (State of Tamil Nadu Vs. N.Suresh Rajan and others)**, **2018 13 SCC 455 (State by the Inspector of Police, Chennai Vs. S.Selvi and another)** and **2012 9 SCC 460 (Amit Kapoor Vs. Ramesh Chander and another)**.
8. This Court considered submissions of the learned counsel for the parties and also perused the entire materials available on record.
9. According to the Petitioner/A28, there is no evidence or incriminating materials, implicating him to the alleged offence and the Petitioner cannot be compelled to undergo the ordeal of a criminal trial merely based on vague allegations and speculative inferences, in the absence of any prima facie material connecting him with the alleged conspiracy or the commission of offence.
10. From the perusal of the entire materials, it is seen that the order, dated 24.09.2025, passed in Crl.OP.No.18671 of 2025, by the Coordinate Bench of



this Court, quashing the charge sheet in Cr.No.293 of 2024 and directing the investigation to be transferred to the CBI, was stayed by the Honourable Supreme Court in SLP(Crl)No.15897 of 2025, by the orders dated, 10.10.2025 and 19.11.2025. Thus, the cognizance taken by the Trial Court in SC.No.425 of 2024 is still in force and there is no change in circumstances.

11.As per Section 173 of Cr.PC, the Court, while deciding a discharge petition, is required to consider only the final report, the documents filed along with the final report, the statements of the witnesses, recorded under Section 161 of Cr.PC and the confession statements.

12.It is trite that at the stage of a discharge petition, the Trial Court cannot conduct a roving enquiry or is not permitted to conduct a mini trial and the Trial Court has to look into, whether there are sufficient prima facie materials available for framing of charges against the accused.

13. As per the final report, on 05.07.2024, one K.Amstrang, who was serving as the Tamil Nadu State President of the Bahujan Samaj Party, was brutally murdered by a group of persons and during the course of investigation, the Respondent Police had secured two country made bombs near the scene of occurrence and the Petitioner/A28 was involved in the murder by supplying those country made bombs to the other accused on 14.06.2024 and accordingly, the Petitioner was charge sheeted for the offence under Section 201 of IPC.

14.In this case, by the impugned order, the Trial Court, having found that there



are sufficient and prima facie materials to frame charges against the Petitioner/A28 for the alleged offences and further observing that the grounds raised by the Petitioner/A28 can be decided only after a full fledged trial and by a reasoned order, had dismissed the discharge petition.

15. Time and again, it had been held by the Honourable Supreme Court, as well as by this Court, in various decisions that no mini trial is contemplated, at the stage of framing of charges. For this proposition, it is relevant to refer to the decision of the Honourable Supreme Court reported in **2014 11 SCC 709 (State of Tamil Nadu Vs. N.Suresh Rajan and others)**, wherein it has been observed as under:-

“29. True it is that at the time of consideration of the applications for discharge, the Court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the Court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the Court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the Court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the Court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.

32.3. While passing the impugned orders, the Court has not sifted the materials for the purpose of finding out whether or not there is sufficient



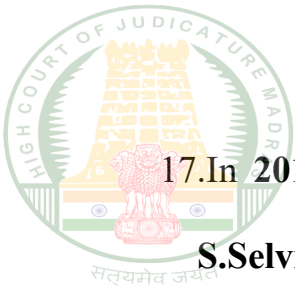
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ground for proceeding against the accused but whether that would warrant a conviction. We are of the opinion that this was not the stage where the Court should have appraised the evidence and discharged the accused as if it was passing an order of acquittal. Further, defect in investigation itself cannot be a ground for discharge. In our opinion, the order impugned suffers from grave error and calls for rectification.”

16. If there is a strong suspicion, which leads the Court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the Court to say that there is no sufficient ground for proceeding against the the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is only for the purpose of deciding prima facie whether the Court should proceed with the trial or not, **as has been held in 2015 2 SCC 417 (State Vs. A.Arun Kumar)** and the Honourable Supreme Court was pleased to observe as under:-

“8. The law on the point is succinctly stated by this Court in Sajjan Kumar v. CBI [(2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371] wherein after referring to Union of India v. Prafulla Kumar Samal [(1979) 3 SCC 4 : 1979 SCC (Cri) 609 : (1979) 2 SCR 229] and Dilawar Balu Kurane v. State of Maharashtra [(2002) 2 SCC 135 : 2002 SCC (Cri) 310] this Court observed in para 19 thus :

“19. It is clear that at the initial stage, if there is a strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is only for the purpose of deciding prima facie whether the court should proceed with the trial or not. If the evidence which the prosecution proposes to adduce proves the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial.”



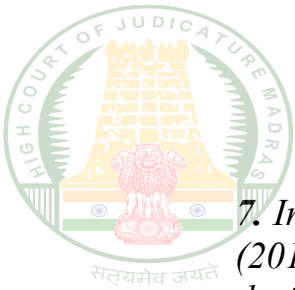
17.In 2018 13 SCC 455 (State by the Inspector of Police, Chennai Vs.

S.Selvi and another), wherein the Honourable Supreme Court has relied on

its various decisions, regarding the scope of powers of revision, and was

pleased to observe, as under:-

“6. It is well settled by this Court in a catena of judgments, including Union of India v. Prafulla Kumar Samal [Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4 : 1979 SCC (Cri) 609] , Dilawar Balu Kurane v. State of Maharashtra [Dilawar Balu Kurane v. State of Maharashtra, (2002) 2 SCC 135 : 2002 SCC (Cri) 310] , Sajjan Kumar v. CBI [Sajjan Kumar v. CBI, (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371] , State v. A. Arun Kumar [State v. A. Arun Kumar, (2015) 2 SCC 417 : (2015) 2 SCC (Cri) 96 : (2015) 1 SCC (L&S) 505] , Sonu Gupta v. Deepak Gupta [Sonu Gupta v. Deepak Gupta, (2015) 3 SCC 424 : (2015) 2 SCC (Cri) 265] , State of Orissa v. Debendra Nath Padhi [State of Orissa v. Debendra Nath Padhi, (2003) 2 SCC 711 : 2003 SCC (Cri) 688] , Niranjana Singh Karam Singh Punjabi v. Jitendra Bhimraj Bijjaya [Niranjana Singh Karam Singh Punjabi v. Jitendra Bhimraj Bijjaya, (1990) 4 SCC 76 : 1991 SCC (Cri) 47] and Supt. & Remembrancer of Legal Affairs v. Anil Kumar Bhunja [Supt. & Remembrancer of Legal Affairs v. Anil Kumar Bhunja, (1979) 4 SCC 274 : 1979 SCC (Cri) 1038], that the Judge while considering the question of framing charge under Section 227 of the Code in sessions cases (which is akin to Section 239 CrPC pertaining to warrant cases) has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; where the material placed before the court discloses grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing the charge; by and large if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his rights to discharge the accused. The Judge cannot act merely as a post office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the statements and the documents produced before the court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the materials as if he was conducting a trial.



7. In *Sajjan Kumar v. CBI* [*Sajjan Kumar v. CBI*, (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371], this Court on consideration of the various decisions about the scope of Sections 227 and 228 of the Code, laid down the following principles: (SCC pp. 376-77, para 21)

“(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

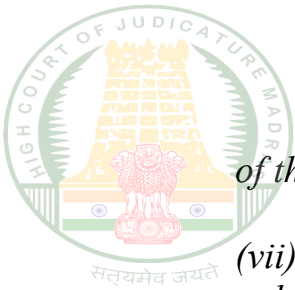
(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities



of the case.

(vii) *If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.*”

8. *This Court in State v. A. Arun Kumar [State v. A. Arun Kumar, (2015) 2 SCC 417 : (2015) 2 SCC (Cri) 96 : (2015) 1 SCC (L&S) 505] , Sonu Gupta v. Deepak Gupta [Sonu Gupta v. Deepak Gupta, (2015) 3 SCC 424 : (2015) 2 SCC (Cri) 265] , State of Orissa v. Debendra Nath Padhi [State of Orissa v. Debendra Nath Padhi, (2003) 2 SCC 711 : 2003 SCC (Cri) 688] and State of T.N. v. N. Suresh Rajan [State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709 : (2014) 3 SCC (Cri) 529 : (2014) 2 SCC (L&S) 721] has reiterated almost the aforementioned principles. However, in State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , relied upon by the counsel for Respondent 1 is not applicable to the facts of the case inasmuch as the said matter arose out of the judgement of the High Court quashing the entire criminal proceedings inclusive of the registration of first information report. The said matter was not concerned with the discharge of the accused.*

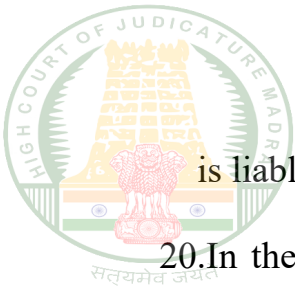
10. *If on the basis of the material on record, the Court would form prima facie opinion that the accused might have committed the offence, it can frame charge, though for conviction it is required to be proved beyond reasonable doubt that the accused has committed the offence. At the time of framing of charges, the probative value of the material on record has to be gone into and the Court is not expected to go deep into the matter and hold that the materials would not warrant conviction. The Court is required to evaluate the material on record at the stage of Sections 227 or 239 of the Code, as the case may be, only with a view to find out if the facts emerging therefrom taken at the face value discloses the existence of all the ingredients constituting the alleged offence. It is trite that at the stage of consideration of an application for discharge, the Court has to proceed with the presumption that materials brought on record by the prosecution are true and evaluate such material with a view to find out whether the facts emerging therefrom taken at their face value disclose existence of the ingredients of the offence.*“

18. In **2012 9 SCC 460 (Amit Kapoor Vs. Ramesh Chander and another)**,



wherein the order of the High Court, quashing the charges framed was under challenge, the Honourable Supreme Court was pleased to observe that framing of charge is a kind of tentative view, which is subject to final culmination of the proceedings and that the Court is not expected to form even a firm opinion at this stage, but a tentative view would evoke presumption referred to under Section 228 of Cr.PC. It was finally held that the High Court erred in quashing the charges, by re-evaluating and re-appreciating the evidence, which was beyond the jurisdiction, either revisional or inherent, when the High Court itself, was of the opinion that clear facts and correctness of the allegations made can be examined only upon full trial. The Honourable Supreme Court holding so, had set aside the order of the High Court and directed the Trial Court to proceed with the Trial, in accordance with law.

19. In the case on hand, the Trial Court, finding materials to frame charges against the Petitioner/A28 for the alleged offences, had held that the relief seeking to discharge as claimed by the Petitioner can be decided only after a full fledged trial and accordingly, dismissed the discharge petition. In such view of the matter and applying the above decisions to the case on hand, an irresistible conclusion to be arrived at by this Court is that it is not the stage where the Court can appreciate or evaluate the records and documents filed with it and the claim of the petitioner can be decided only after a full fledged trial and after letting in evidence and hence, this Criminal Revision Petition



is liable to be dismissed.

20. In the result, in view of the above observations and discussions and in the light of the various decisions, referred to above, this Criminal Revision Case is **dismissed**. Consequently, the connected Criminal Miscellaneous Petition is closed.

21. However, it is made clear that any observation made in this order is for the purpose of disposing of this Criminal Revision Case and shall have no bearing on the defence raised during the Trial and that the Trial Court shall proceed with the Trial, in accordance with law.

16-07-2026

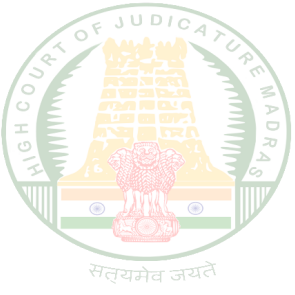
Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRCM

1. The III Additional District and Sessions Judge, Puducherry
2. The Inspector of Police, Lawspet Police Station, Puducherry District.



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SHAMIM AHMED, J.

SRCM

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