



Crl.O.P.(MD)No.20049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20049 of 2024
and Crl.M.P(MD).Nos.12384 and 12385 of 2024

Ranjit

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by the Inspector of Police,
Sessions Court Police Station,
Tiruchirappalli City.
Crime No.599 of 2017

2.Sivakumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned charge sheet in P.R.c.No.18 of 2020 on the file of the learned Judicial Magistrate No.II, Tiruchirappalli and quash the same as illegal insofar as to the petitioner is concerned.

For Petitioner : Mr.A.Mohan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who is A12 and facing trial in P.R.C.No.18 of 2020 for the offence under Sections 147, 148, 364A, 506(ii) and 120B of IPC, had filed this quash petition.

2. The contention of the petitioner is that on a stray incident showing in the petitioner's account, the amount of Rs.80,000/- has been deposited by the one Abdul Ashees and that has been projected against the petitioner as if the petitioner has joined along with the other accused had involved in kidnap and demanding ransom from Abdul Ashees, but for this, there is no other material. With regard to the other allegation as if on 17.08.2017, the petitioner along with second, third and fourth accused had come together from Kodaikanal to Dindigul and thereafter, along with sixth accused had gone to Trichy Savana Hotel, stayed there. There is no materials produced. Hence, on a bald allegation for a stray incident, the petitioner cannot be prosecuted. Hence, filed this quash petition.



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2. The learned Additional Public Prosecutor on the other hand strongly opposed the petitioner's contention stating that the petitioner along with 14 others planned and kidnapped one Abdul Ashees from his house using deadly weapons, thereafter, taken him in his car to a remote place and from there, they demanded a sum of Rs.50,00,000/-, which was reduced to Rs.20,00,000/- and this amount was posed to be paid on the instructions of Abdul Ashees to his Manager and his father at Chennai. Thereafter, an amount of Rs.9,60,000/- was received on the same day of kidnapping, through various Banks. The Manager had categorically stated that on the details given by Abdul Ashees, the bank account of the petitioner and others have been provided and the amount has been deposited, which would clearly show that the petitioner's personal details and particulars have been informed to the victim Abdul Ashees, thereafter, ransom amount deposited to the petitioner's Bank account. Since the petitioner had played an active role and conspired with the other accused and further submitted that the petitioner is also charged under Section 120B for conspiracy, the case of conspiracy cannot be quashed at the threshold.



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3. Considering the submissions and perusal of the materials, this Court finds that the petitioner is facing the charge of conspiracy along with the other accused. The conspiracy inherently involves secrecy and there cannot be a direct evidence of conspiracy, which has to be inferred or founded by the materials and evidence placed at the time of trial, which cannot be decided at this stage. Further, petitioner's account has been used and amount of Rs.9,60,000/- received. In view of the same, this Court finds no merits in this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No

19.11.2024

Index : Yes / No

Rmk

To

1.The Judicial Magistrate No.II, Tiruchirappalli.

2.The Inspector of Police,
Sessions Court Police Station,
Tiruchirappalli City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.20049 of 2024



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