



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.R.C.No.1966 of 2025
and Crl.M.P.Nos.18677 & 18678 of 2025**

K.Monishkumar @ Monesh Kumar

...Petitioner

Versus

The State Represented by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
(Crime No.280 of 2022)

...Respondent

This Criminal Revision Case is filed under Sections 438 r/w. 442 of BNSS, 2023 praying to call for the records in Crl.M.P.No.14394 of 2024 in S.C.No.206 of 2023 on the file of Magalir Neethimandram, Chennai and set aside the dismissal order in S.C.No.206 of 2023 dated 29.11.2024 passed by the Magalir Neethimandram, Chennai.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl.Side)



ORDER

WEB COPY This Civil Revision Case has been filed by the petitioner seeking to set aside the Order dated 29.11.2024 in CrI.M.P.No.14394 of 2024 in S.C.No.206 of 2023 passed by the learned Sessions Judge, Magalir Neethimandram, Chennai.

2. The case of the prosecution is that one Mrs.Kamarun Nisha W/o. Jainulabudhin (L.W.1) lodged a complaint dated 17.03.2022 to the respondent Police stating that on 15.03.2022, when her sister Mumthaj Begum (L.W.2) and her adopted son, Mohammed Azeez (L.W.3) were returned to their house from market, 3 unknown persons came to the house of L.W.2 and identified themselves as Police Officers and they enquired L.W.2 & L.W.3 about the Methamphetamine which was purchased by Jainulabudhin (husband of *de-facto* complainant) and further, they demanded Rs.20,00,000/- from L.W.2 & L.W.3 to not to arrest Jainulabudhin. Then, the said unknown persons had assaulted L.W.3 & L.W.4 (son of Jainulabudhin) and forcibly kidnapped them in two wheelers. Thereafter, those persons had demanded Rs.20 Lakhs as ransom from *de-facto* complainant. On 16.03.2023, both L.W.3 & L.W.4 escaped from the

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illegal detention and returned back to home. Based on the complaint given by L.W.1, respondent Police had registered a case in Crime No.280 of 2022 against 10 accused. The petitioner was arrayed as Accused No.5 in the said case. The respondent Police had filed the Final Report before the Trial Court and the same was taken on file in S.C.No.206 of 2023. The charges levelled against the petitioner are that he has noted the movement of Jainulabudhin (husband of *de-facto* complainant) and informed the whereabouts of Jainulabudhin to other accused.

3. The learned counsel for petitioner submitted that the petitioner filed a petition in CrI.M.P.No.14394 of 2024 in S.C.No.206 of 2023 before the Mahalir Neethimandram, Allikulam, Chennai seeking to discharge him from all the charges levelled against him. However, the learned Sessions Judge, Mahalir Neethimandram, Allikulam vide Order dated 29.11.2024, dismissed the said petition by stating the reasons that confession of Accused No.2 speaks about the involvement of petitioner in the commission of crime and there is *prima facie* material to proceed against the petitioner and frame charges against him.



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3.1. It is further submitted by the learned counsel for petitioner that except the confession statement of Accused No.2, none of the list witness incriminated about the petitioner. Even the confession statement of Accused No.2 does not explain the specific overtact of the petitioner during the commission of offences.

3.2. The learned counsel for petitioner also submitted that at the time of filing of FIR, petitioner was not arrayed as accused. After the filing of FIR, only based on the confession statement of Accused No.2, petitioner was arrayed as Accused No.5 in this case. There was no material to establish the involvement of petitioner except the confession statement of Accused No.2 which is not sufficient to state that there is *prima facie* material to proceed against the petitioner.

3.3. It is further submitted by the learned counsel for petitioner that the Court below has failed to note the dictum laid down by the Hon'ble Apex Court that the confession of co-accused is not a substantive evidence on its own against another accused. In support of his submission, the learned counsel has placed reliance on the judgment passed by the Hon'ble



Supreme Court in the case of ***Karan Talwar Vs. State of Tamil Nadu***

reported in **2024 SCC Online SC 3803**, wherein, it has been held as follows:

“12. As noted hereinbefore, the sole material available against the appellant is the confession statement of the co-accused viz., Accused No.1, which undoubtedly cannot translate into admissible evidence at the stage of trial and against the appellant. When that be the position, how can it be said that a prima facie case is made out to make the appellant to stand the trial. There can be no doubt with respect to the position that standing the trial is an ordeal and therefore, in a case where there is no material at all which could be translated into evidence at the trial stage, it would be a miscarriage of justice to make the person concerned to stand the trial.”

3.4. The learned counsel for petitioner submitted that petitioner is a Law Graduate, but, he is unable to enroll himself as an Advocate in the Bar Council of Tamil Nadu & Puducherry since this criminal case is pending against him. Therefore, the learned counsel prayed that this Criminal Revision Petition may be allowed by setting aside the Order dated 29.11.2024 in CrI.M.P.No.14394 of 2024 in S.C.No.206 of 2023 passed by the learned Sessions Judge, Magalir Neethimandram, Chennai.

4. The learned Government Advocate (Crl.Side) appearing on behalf of respondent Police submitted that based on the complaint given by *de-facto* complainant, the respondent Police had registered a case in Crime



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No.280 of 2022 against few identifiable persons. Accused No.2 (Ranjith) gave his confession statement to the respondent Police, wherein, he had stated that the *de-facto* complainant's husband Jainulabudhin had purchased Methamphetamine from Accused No.10 and after he purchased the same from Accused No.10, petitioner informed the whereabouts of Jainulabudhin and his family members to other accused. Further, he had stated that Accused No.10 had passed on a mobile phone to Accused No.2 through the petitioner, in order to use the said mobile phone for having conversation with other accused. Hence, the learned Sessions Judge, Magalir Neethimandram, Chennai has rightly dismissed CrI.M.P.No.14394 of 2024 in S.C.No.206 of 2023 by holding that the confession statement of Accused No.2 speaks about the involvement of petitioner in the commission of crime and thus, there is *prima facie* material to proceed against the petitioner. Therefore, the learned Government Advocate (CrI.Side) submitted that the impugned order passed by the Court below does not warrant any interference.

5. Heard the learned counsel on both sides and perused the materials available on record.

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6. As far as this case is concerned, at the time of filing of FIR, petitioner was not arrayed as an accused. However, after the filing of FIR, based on the confession statement given by Accused No.2 (Ranjith), petitioner was arrayed as Accused No.5.

7. The charges levelled against the petitioner are that petitioner had informed the whereabouts of *de-facto* complainant's husband Jainulabudhin to other accused and also, he passed a mobile phone from Accused No.10 to Accused No.2 in order to use the same for having conversation with other accused.

8. Except the confession statement of Accused No.2, the prosecution has not produced any *prima facie* material before the Court below to establish the involvement of petitioner in the commission of offence. As such, mere confession statement of Accused No.2 cannot be treated as a substantive evidence to proceed against the petitioner.

9. The decision of the Hon'ble Supreme Court in ***Karan Talwar Vs. State of Tamil Nadu*** reported in ***2024 SCC Online SC 3803*** on which the



learned counsel for petitioner has placed reliance is squarely applicable to the facts and circumstances of the present case.

10. Considering the above facts and circumstances of the case and in the light of decision of Hon'ble Supreme Court (referred to *supra*) and also, taking note of the fact that petitioner is a Law Graduate and the criminal case pending against the petitioner is being an impediment to petitioner's enrollment as an Advocate, this Court is inclined to set aside the impugned order and allow this Criminal Revision Case.

11. Accordingly, Order dated 29.11.2024 in CrI.M.P.No.14394 of 2024 in S.C.No.206 of 2023 passed by the learned Sessions Judge, Magalir Neethimandram, Chennai is set aside and this Criminal Revision Case is allowed. Consequently, the petitioner is discharged from the charges pending against him in Crime No.280 of 2022.

28.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



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To

1. The Sessions Judge,
Magalir Neethimandram,
Chennai.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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