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Crl.R.C. Nos. 2476 & 2896 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. Nos. 2476 & 2896 of 2025

&

Crl.M.P. Nos. 22008 & 24925 of 2025

Crl.R.C. No. 2476 of 2025

Dr. Louis Pragasam Kannaiya ,
S/o. Victor Jaganatha Mudaliar,
Now residing at
No.55, Hotel Suriya International,
Rengapillai Street,
Puducherry – 605 001.

..Petitioner

Vs..

State rep. by
Inspector of Police,
CBCID Police Station,
Puducherry.
(Crime No. 514 of 2011).

..Respondent

Prayer in Crl.R.C. No. 2476 of 2025: Criminal Revision Petition filed under Section 438 r/w 442 of BNSs to call for the records and set aside the common order dated 31.10.2025 passed in Crl.M.P.. 12 of 2024 in S.C.



Crl.R.C. Nos. 2476 & 2896 of 2025

No.27 of 2024 by the III Additional Sessions Judge, Puducherry, as far as the petitioner/Accused No.14 is concerned.

For Petitioner ::Mr.R. Rajarathinam,
Senior Counsel or
Mr.M.S. Sriraam

For Respondent :: Mr.M.V. Ramachandramoorthy,
Public Prosecutor (Puducherry)

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1. Kesava Narayanan
S/o. Thiru. Ranga Ramanujam

2. Prema,
W/o. Kesava Narayanan

Both are residing at
NO. 75, Sekar Nagar,
Nellikuppam Main Road,
Cuddalore.

..Petitioners

Vs.

The State rep. by
The Inspector of Police,
CBCID Puducherry,
Crime No. 514 of 2011.

..Respondent

Prayer in Crl.R.C. No. 2896 of 2025: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to set aside the order dated 31.10.2025 passed in Cr.M.P. No. 13 of 2025 in S.C. No. 27 of 2024 on the file of the



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Learned III Additional Sessions Judge, Puducherry.

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For Petitioner :: Mr.N. Palanikumar

For Respondent :: Mr.M.V. Ramachandra Murthy
Public Prosecutor
(Govt. of Puducherry)

COMMON ORDER

The revisions have been filed by A14 and A10 and 11 respectively, who are facing prosecution in S.C. No. 27 of 2024 for the offences under Sections 376, 366, 342, 354, 506(ii) IPC and Sections 3(2)(a) (b), 6(1)(b), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 r/w 34 IPC.

2. The case of the prosecution is that two minor girls were kidnapped by the co-accused from the lawful custody of their parents for the purpose of prostitution and were subjected to commercial sexual exploitation at a Guest House called ‘ Little Pearl Guest House’ run by A10 and A11 and thereafter, in the hotel called ‘ Surya Hotel International’, which is run by A14.

3. The petitioners sought for discharge on the ground that there is no material to implicate them in the alleged offence; that they cannot be prosecuted merely because they own the premises in which the alleged



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occurrence had taken place; that the allegations are only against their employees; that in the absence of any evidence, vicarious liability cannot be inferred and therefore, the petitioners ought to be discharged.

4. The Trial Court dismissed the petitions for discharge on the ground that the points raised by the petitioners cannot be adjudicated in the discharge petitions; that the evidence discloses that the victim girl was subjected to prostitution in the Guest House, which was run by A10 and A11 and in the Hotel run by A14 and the question whether the petitioners had common intention cannot be adjudicated at the stage of framing of charges.

5. Mr.R. Rajarathinam, learned Senior Counsel appearing for A14/petitioner in Crl.R.C. No. 2476 of 2025 would submit that admittedly, there is no material to show that A14 had knowledge of the alleged offences said to have been committed by the co-accused or his employees; that the petitioner/A14 is being prosecuted only on the ground that the Hotel is owned by him; that therefore, there is no *prima facie* case against the petitioner and the petitioner ought to be discharged.

6. Learned counsel for A10 and A11/petitioners in Crl.R.C. No. 2896 of 2025 would submit that there is no evidence against



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A10 and A11; that the allegation is that their employees had misused the premises and exploited the victim for the purpose of prostitution and in the absence of any evidence to implicate them, the impugned prosecution cannot be sustained.

7. Learned Public Prosecutor (Puducherry) would submit that the petitioners are the owners of the two premises, where the victim was subjected to sexual exploitation; that there is evidence to show that the alleged occurrence took place in the Hotel/Guest House run by the respective petitioners and the question whether the petitioners had common intention or not cannot be adjudicated at this stage.

8. Heard both sides and perused the materials on record.

9. To a specific query put by this Court as to what is the evidence collected by the respondent to prove the involvement of the petitioners in the alleged offence, the learned Public Prosecutor was unable to point out any evidence. It appears that the petitioners have been prosecuted only because the two premises, where the alleged occurrence had taken place, are run by them and the allegation is that their employees had conspired with the other accused, who had kidnapped the victim from the



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custody of their parents for the purpose of prostitution. Unless there is evidence to show that the petitioners, as owners, had assisted or abetted their employees in the commission of the offence, the petitioners cannot be prosecuted. The petitioners cannot be made vicariously liable only because the occurrence took place in their premises. From a reading of the charge sheet and the documents filed in support of the charge sheet, this Court is of the view that the prosecution has not made out any *prima facie* case to frame charges against the petitioners for the alleged offences. Therefore, this Court is inclined to set aside the impugned orders and discharge the petitioner(s) in both the revisions of the offences alleged against them.

10. In the result, the criminal revision petitions are allowed.
Connected miscellaneous petitions are closed.

29.01.2026

Neutral Citation: Yes/No

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To

1. The III Additional Sessions Judge, Puducherry.
2. The Inspector of Police,
CBCID Puducherry, Crime No. 514 of 2011
3. The Public Prosecutor, High Court, Madras.

SUNDER MOHAN,J.



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