



Crl.RC.(MD) No.487 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.RC.(MD) No.487 of 2026

and

Crl.M.P.(MD)No.5953 of 2026

D.Mohanraj

.... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thogur Police Station,
Thanjavur.
Crime No.218 of 2023

....Respondent

Prayer: Criminal Revision Petition, filed under section 438 r/w 442 of BNSS, to call for the records relating to the order dated 17.02.2026 in Crl.M.P.No. 6792 of 2025 in S.C. No. 358 of 2025 on the file of the Principal Sessions Judge, Thanjavur, to set aside the impugned order and discharge the petitioner from the charges 120(B) and 302 r/w 109 IPC.

For Petitioner : Mr.J.William Christopher

For Respondent : Mr.D.Rajaboopathy,
Counsel for State of TN (Crl. side)



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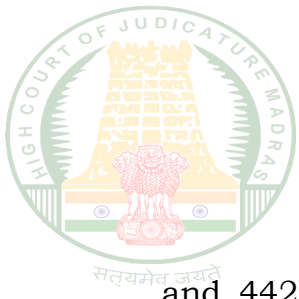
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ORDER

The petitioner, arrayed as A-6 in S.C.No.358 of 2025 pending on the file of the learned Principal Sessions Judge, Thanjavur, seeks interference with the order dated 17.02.2026 passed in Crl.M.P.No. 6792 of 2025 dismissing his petition for discharge. The petitioner stands charged for offences under Sections 120-B and 302 read with 109 IPC. The principal contention advanced on his behalf is that there is neither direct evidence nor legally admissible material connecting him with the occurrence and that the prosecution has attempted to rope him in merely on suspicion and inadmissible confessional statements.

2. The State, on the other hand, would contend that the investigation has unearthed sufficient materials indicating motive, participation in the conspiracy and financial assistance allegedly provided by the petitioner towards the commission of the offence and that such materials are more than adequate to proceed to trial.

3. The controversy therefore lies within the narrow but important contours of the jurisdiction exercised under Sections 438



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and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, while examining the correctness of an order refusing discharge.

Factual background:

4. The respondent police registered Crime No.218 of 2023 in connection with the murder of one V.S.L.Kumar @ Murugaiyan. After completion of investigation, a final report came to be filed against thirteen accused persons.

5. The prosecution case discloses that the deceased and A-1 were earlier involved in a murder case arising out of factional rivalry. Though they were once associates, subsequent events allegedly resulted in serious hostility between them. After their release from prison, A-1 established certain business ventures at Thirukattupalli, which according to the prosecution became the source of further animosity between the deceased and A1's group.

6. The prosecution further alleges that A-3, A-4, A-7, A-8, A-9, A-10, A-12 and A-13, being close associates of A-1, also developed hostility towards the deceased owing to repeated quarrels and



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altercations. A-5 allegedly nurtured a separate grievance against the deceased on account of previous incidents involving his family members. A-2 was a friend of A-5 and A-11 was a friend of A-2.

7. As far as the present petitioner/A-6 is concerned, the prosecution alleges that he had developed a motive against the deceased because the deceased had earlier murdered the persons responsible for the death of his uncle Panchabikesan and had allegedly been demanding money from him on that account.

8. According to the prosecution, on 26.10.2023, A-1 met A-5 and the petitioner at Tiruchirappalli and expressed his inability to tolerate the conduct of the deceased. It is alleged that the petitioner instigated A-1 to eliminate the deceased and further provided a sum of Rs.1,00,000/- towards the execution of the plan. The prosecution also alleges that conspiratorial meetings were held earlier at Velankanni and preparations were made by arranging vehicles and deadly weapons.



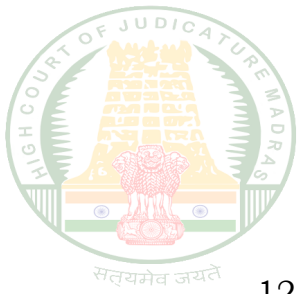
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9. On 31.10.2023, the accused persons allegedly intercepted the deceased, rammed his motorcycle with a car and thereafter attacked him with deadly weapons causing fatal injuries resulting in his death at the scene of occurrence.

10. Upon committal, the case was taken on file as S.C.No.358 of 2025 by the learned Principal Sessions Court, Thanjavur. The petitioner thereafter filed Crl.M.P.No.6792 of 2025 seeking discharge under Section 250 BNSS. The said petition was dismissed by order dated 17.02.2026, which is under challenge in the present revision.

Grounds of revision:

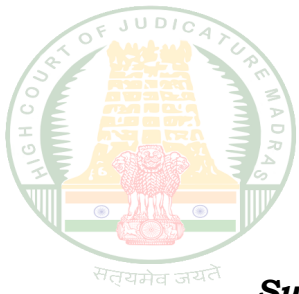
11. The revision petitioner assails the impugned order on several grounds. According to him, there is absolutely no direct evidence connecting him with the occurrence. He was not present at the scene of crime. No overt act is attributed to him. No recovery has been effected from him and no incriminating object has been seized at his instance.



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12. It is further contended that the entire prosecution case against him rests substantially upon confessional statements allegedly made by co-accused before police officers, which are inadmissible under the provisions of the Indian Evidence Act. The petitioner would also submit that the statements of PW-1 and PW-2 are purely hearsay in nature and cannot legally establish either conspiracy or abetment.

13. It is his further contention that the allegation relating to payment of Rs.1,00,000/- is unsupported by any documentary evidence, independent witness, recovery or financial trail and is therefore wholly speculative. It is also argued that several witnesses have spoken about the petitioner acting merely as a mediator between A-1 and the deceased and that such materials actually negate the theory of conspiracy. The petitioner would therefore contend that continuation of criminal proceedings against him would amount to abuse of process of Court.



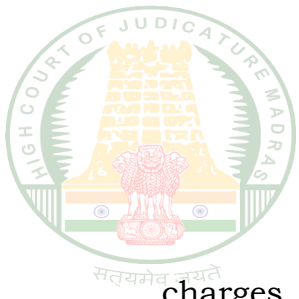
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Submissions on either side:

14. The learned counsel appearing for the petitioner would submit that the impugned order suffers from complete non-application of mind. It is argued that the learned Sessions Judge failed to examine whether the materials relied upon by the prosecution are legally admissible and capable of giving rise to grave suspicion. The learned counsel would contend that the prosecution has attempted to transform suspicion into proof by relying upon inadmissible confessional statements of co-accused. It is further submitted that the prosecution has not produced any independent material to demonstrate the alleged payment of Rs.1,00,000/-.

15. According to the learned counsel, mere allegations of motive, unsupported by legally acceptable evidence, cannot justify framing of charges for conspiracy and abetment of murder. Reliance is placed upon the decisions of the Hon'ble Supreme Court in Criminal Appeal No.5146/2025 (Arising out of Special Leave Petition (Crl.)No.3002/2024) dated 02/12/2025, ***Kashmira Singh Vs State of Madhya Pradesh***¹ emphasizing that at the stage of framing

¹ (1952)1 SCC 275

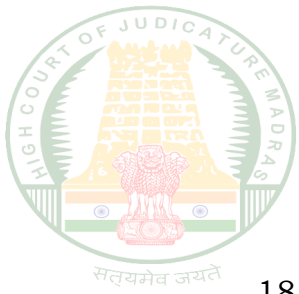


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charges, there must exist materials capable of generating a strong or grave suspicion and not a mere conjectural possibility.

16. Per contra, the learned counsel appearing for State (Crl. side) would submit that the revision petition deserves outright dismissal. According to him, the petitioner has selectively projected only those portions favourable to him while completely suppressing the materials implicating him.

17. The learned counsel would submit that apart from the statements of co-accused, there are statements of prosecution witnesses indicating prior threats, motive and involvement of the petitioner in the conspiracy. It is argued that the prosecution case is not founded upon a solitary piece of evidence but upon a chain of circumstances which collectively point towards the petitioner's participation in the conspiracy. The learned counsel would therefore contend that the materials available on record clearly generate strong suspicion warranting a full-fledged trial.



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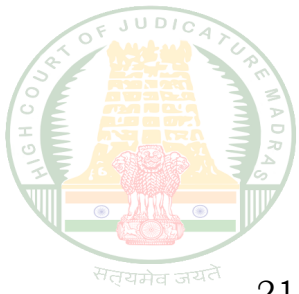
18. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

19. The point that arises for consideration in this Criminal Revision Case is whether the order dated 17.02.2026 passed in Crl.M.P.No.6792 of 2025 refusing to discharge the petitioner/A-6 from the offences under Sections 120-B and 302 read with 109 IPC suffers from any illegality, perversity or jurisdictional error warranting interference under Sections 438 and 442 BNSS?

Analysis:

20. The law relating to discharge is well settled. At the stage of discharge, the Court is not expected to conduct a mini trial. The Court is required only to determine whether the materials collected during investigation disclose sufficient grounds for proceeding against the accused. The Court cannot meticulously weigh the evidence as though it is pronouncing a judgment after trial.



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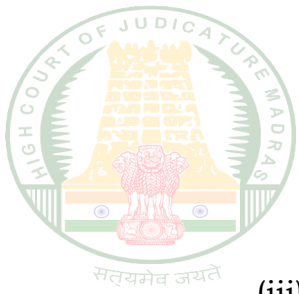
21. If the materials disclose grave suspicion regarding involvement of the accused, the Court would be justified in framing charges and directing the matter to proceed for trial. Conversely, where the materials are wholly absent or where even if accepted in their entirety they fail to constitute the alleged offences, discharge would be warranted.

22. The revisional jurisdiction of this Court against an order refusing discharge is even narrower. Unless the impugned order discloses manifest illegality, perversity or patent misapplication of settled principles, interference would be unwarranted.

23. The prosecution does not allege that the petitioner physically participated in the assault. The allegations against him are specific to conspiracy and abetment.

24. The prosecution case attributes three distinct roles to the petitioner:

- (i) existence of motive;
- (ii) instigation of A-1 to eliminate the deceased; and



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(iii) provision of financial assistance of Rs.1,00,000/- towards execution of the murder plan.

25. Thus, the prosecution case against the petitioner is not one of physical participation but one of pre-occurrence involvement.

26. A careful examination of the final report materials shows that the prosecution has relied upon witness statements indicating previous hostility between the petitioner and the deceased. The prosecution has further relied upon statements suggesting that the petitioner had encouraged the commission of the offence and financially supported the same.

27. Whether such statements ultimately withstand evidentiary scrutiny is a matter for trial. At this stage, the Court is concerned only with the existence of materials and not with their eventual evidentiary value.

29. Considerable emphasis has been placed by the petitioner on the inadmissibility of confessional statements made to police.



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There can be no quarrel with the proposition that confessions made before police officers are generally inadmissible except to the limited extent recognized by law.

30. However, the discharge stage does not require the Court to segregate every item of evidence and conduct a detailed admissibility inquiry. If there are other materials collected during investigation which, when viewed cumulatively, generate strong suspicion, the matter must proceed to trial.

31. The prosecution specifically asserts that apart from confessional statements there are statements of prosecution witnesses connecting the petitioner with the alleged conspiracy. Therefore, it cannot be said that the case rests exclusively upon inadmissible confessions.

32. The petitioner characterizes the statements of PW-1 and PW-2 as hearsay. Whether such statements are ultimately admissible, whether they fall within any recognized exception and



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the extent to which they can be relied upon are matters requiring appreciation during trial.

33. At the present stage, the Court is not expected to undertake a final adjudication upon evidentiary admissibility. The statements form part of the investigative material and are therefore relevant for determining whether a *prima facie* case exists.

34. The petitioner has rightly pointed out that no documentary proof regarding payment of Rs.1,00,000/- has been produced. However, absence of documentary corroboration by itself cannot justify discharge when the prosecution relies upon oral evidence regarding the transaction. The reliability and truthfulness of such evidence are matters to be tested during cross-examination. At the discharge stage, the Court cannot reject the prosecution version merely because the evidence is yet to be tested.

35. The learned Principal Sessions Judge has recorded that the materials collected during investigation disclose motive, conspiracy and financial assistance attributed to the petitioner and that such



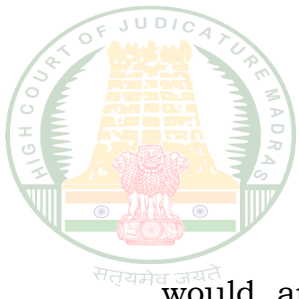
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materials generate strong suspicion against him. The reasoning may be concise, but it cannot be characterized as perverse.

36. The learned Sessions Court has applied the correct legal test, namely, whether the materials disclose sufficient grounds for proceeding against the accused. This Court does not find any jurisdictional error, perversity or patent illegality warranting exercise of revisional powers.

37. Upon an overall consideration of the final report, witness statements, the impugned order and the settled principles governing discharge, this Court is of the considered opinion that the materials collected during investigation are sufficient to raise a strong suspicion regarding the alleged involvement of the petitioner in the conspiracy and abetment leading to the murder of the deceased.

38. The contentions advanced by the petitioner relate substantially to appreciation of evidence, admissibility and credibility of witnesses, all of which fall within the exclusive domain of the trial Court after recording evidence. Interference at this preliminary stage



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would amount to prematurely evaluating disputed factual issues which can be appropriately resolved only during trial.

Epilogue:

39. Criminal conspiracy is seldom conceived in the open and is rarely capable of proof through direct evidence. More often than not, it is sought to be established through circumstances, conduct, prior relationships and surrounding events. Courts dealing with discharge petitions must therefore maintain a delicate balance between protecting innocent persons from unnecessary prosecution and ensuring that serious accusations supported by *prima facie* materials are subjected to judicial scrutiny through trial.

40. The stage of discharge is not intended to pronounce innocence; it is intended only to determine whether the prosecution should be permitted to lead evidence. Where the materials disclose a plausible foundation for the allegations, the truth must emerge through the crucible of trial and not through premature termination of proceedings.



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41. In the result, this Criminal Revision Case is **dismissed**.
The order dated 17.02.2026 passed in Crl.M.P.No.6792 of 2025 in S.C.No.358 of 2025 by the learned Principal Sessions Judge, Thanjavur, is hereby confirmed. The trial Court shall proceed with the case in accordance with law and dispose of the same on its own merits, uninfluenced by any observations made in this order. Consequently, connected miscellaneous petition is closed.

08.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. The Principal Sessions Judge,
Thanjavur
- 2.The Inspector of Police,
Thogur Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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