

Anil Kumar vs State of Kerala

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Court : Kerala

Decided On : Apr-10-2025

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.Rev.Pet/340/2025

Appellant : Anil Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947
CRL.REV.PET NO. 340 OF 2025 CRIME NO.527/2011 OF CBCID,
KOZHIKODE, KOZHIKODE AGAINST THE ORDER DATED 26.08.2022
IN SC NO.361 OF 2019 OF ADDITIONAL DISTRICT COURT (SPECIAL
COURT FOR TRIAL FOR MARADU CASES) KOZHIKODE

REVISION PETITIONERS/ACCUSED NOS.21, 22, 24, 25, 26, 27, 28,
32, 33, 35 AND 36 (ORIGINAL ACCUSED NOS.29, 30, 32, 33, 34, 35,
36, 40, 41, 43 AND 44): 1 ANIL KUMAR AGED 48 YEARS S/O.
PANKAJAKSHAN, AKSHAYA, GANDHI NAGAR, PALAKKAD

DISTRICT, PIN - 678007 2 RAGHAVAN AGED 60 YEARS
KUTHIRANGATTIL HOUSE, KUTHUPARA, LAKKIDI,
RAMAKRISHNAPADI, THIRUVILUAMALA ROAD, OTTAPPALAM,
PALAKKAD DISTRICT, PIN - 679301 3 PRATHAPAN AGED 56 YEARS,
S/O. GOVINDAN, KALLIDUMBIL HOUSE, MANISSERY POST,
OTTAPPALAM, PALAKKAD DISTRICT, PIN - 679521 4 MOHANAN C.K.
AGED 56 YEARS, S/O. KUTTAPPAN NAIR, PANCHILI HOUSE,
ATTERY, PUTHUR POST, KOTTAKKAL, MALAPPURAM DISTRICT,
PIN - 676503 5 VASUDEVAN @ RAJAN AGED 65 YEARS S/O.
NARAYANAN NAIR, THEKKEVEETIL HOUSE, VARODE P.O.,
OTTAPPALAM, PALAKKAD DISTRICT, PIN - 679102 6 PREM
KUMAR K.V. AGED 55 YEARS S/O. VELAYUDHAN, KIZHAKKE
VEETIL HOUSE, NOVAPPADI, PUTHUPARAMBA, THENNALA,
MALAPPURAM DISTRICT, PIN - 676508 7 ABOOBAKKAR AGED 47
YEARS S/O. BEERANKUTTY, PANCHILI HOUSE, ATTERY, PUTHUR
POST, KOTTAKKAL, MALAPPURAM DISTRICT, PIN - 676503 8
PRAJITH KUMAR AGED 49 YEARS, S/O. BALAN NAIR,
SMITHALAYAM, NEAR IPC NURSERY SCHOOL, PAYYOLI,
KOZHIKKODE DISTRICT, PIN - 673522 9 SUNITHA AGED 45 YEARS,
W/O.SETHUMADHAVAN NAIR, KULANGARAKKANDI HOUSE,
PALLIKKARA, PAYYOLI, KOZHIKKODE DISTRICT, PIN - 673522 0
GOPALAN C.P. AGED 63 YEARS, S/O. KUNJIRAMAN NAIR,
OTHAYOTH MEETHAL HOUSE, AMBADITHAZHA, PERAMBRA,
KOZHIKKODE DISTRICT, PIN - 673526 11 ASHOKAN AGED 59 YEARS,
S/O. GOPALAN, PILAKATTIL HOUSE, MUCHUKUNNU, KOLLAM,
NEAR KOYILANDY, KOZHIKKODE DISTRICT, PIN - 673305 BY ADV.
K.RAKESH RESPONDENTS/STATE, INVESTIGATING OFFICER &
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI,
PIN - 682031 2 DEPUTY SUPERINTENDENT OF POLICE CRIME
DETACHMENT, VADAKARA, EOW-3, CBCID, KOZHIKKODE, PIN -
673101

3 THE STATION HOUSE OFFICER PAYYOLI POLICE STATION, KOZHIKKODE DISTRICT, PIN - 673522 BY ADV. SRI.M.P. PRASANTH, PUBLIC PROSECUTOR THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The revision petitioners are the accused Nos.29, 30, 32, 33, 34, 35, 36, 40, 41, 43 and 44 in S. C. No.361/2019 on the files of the Sessions Court, Kozhikode Division (for short. the trial court).

2. Altogether there are 39 accused. The trial court

framed charge against all the accused including the petitioners under Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, Sections 419, 420, 468 and 201 read with Section 34 of the Indian Penal Code, 1860, Section 68 of the Indian Companies Act, 1956 and Section 66D of the Information Technology (Amendment) Act, 2008 as per the order dated 26.08.2022 in S.C. No.361/2019 on the files of the trial court. The order framing charge is under challenge in this Criminal Revision Petition.

3. I have heard Sri. K. Rakesh, the learned counsel for the petitioners and Sri. M. P. Prasanth, the learned Public Prosecutor.

4. The prosecution allegation is that accused No.1, a

registered company, and accused Nos.2 to 6, its associate companies, deceitfully conducted and promoted a money circulation scheme using a website with the help of accused Nos.7 to 26 and that accused Nos.27 to 47 promoted the scheme by propagation and enrolment of new members and committed the offences.

5. The learned counsel for the petitioners submitted

that the petitioners are actually the victims of the deceitful money circulation scheme introduced by accused Nos.1 to 6 and hence the trial court erred in

framing charge against them. The learned counsel further submitted that no offence would be attracted against the petitioners inasmuch as there are no allegations to attract any offence against them.

6. A reading of the impugned order would show that

the charge is not specific and it has not been properly framed. The order framing charge does not comply with the mandatory requirement under Sections 211, 212 and 213 of the Criminal Procedure Code, 1973. (Sections 234, 235 and 236 of the Bharatiya Nagarik Suraksha Sanhita, 2023). Hence, the impugned order is set aside. The trial court is directed to hear the petitioners as well as the remaining accused on charge and thereafter pass a fresh order in accordance with law. All the contentions raised by the petitioners in this Criminal Revision Petition are left open. The petitioners are free to take all those contentions before the trial court. The Criminal Revision Petition is disposed of as above. Sd/- DR. KAUSER EDAPPAGATH JUDGE BR

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