

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.14864 of 2015

M.Illayaperumal

.. Petitioner

Vs

The State of Tamil Nadu, Rep by.

The Inspector of Police

Palacode Police Station,

Dharmapuri District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent Police to conduct further investigation and include offence under Sections 326 and 307 of IPC by filing additional charge sheet in C.C.No.235 of 2013.

For Petitioner :Mr.A.Ilayaperumal

For Respondent :Mr.Mohamed Riyaz

Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed praying to direct the respondent Police to conduct further investigation and include offence under Sections 326 and 307 of IPC by filing additional charge sheet in C.C.No.235 of 2013.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. On a complaint lodged by the petitioner, the respondent Police registered a case in Crime No.233 of 2013 under Sections 294 (b), 323, 324, 506(ii) IPC against one Chandrapal. After completing the investigation, the respondent Police have filed a final report before the learned Judicial Magistrate, Palacode for the aforesaid offences, which has been taken on file as C.C.No.235 of 2013. Now the petitioner/defacto complainant wants a direction for further investigation, for the purpose of including the provision of Section 307 IPC.

4. The prayer as sought for by the petitioner cannot be acceded, in view of the legal position, that the cognizance has been taken by the Magistrate in respect of certain offences and only in the course of trial, if evidence relating to serious offence surfaces, then the Magistrate can alter the charge or

commit the case to Sessions. Hence, this petition is devoid of merits and same stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police (L&O)
Palacode Police Station,
Dharmapuri District..

2. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.A.Ilayaperumal, Advocate SR.30294

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SR(CO)
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