

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.23803 of 2015

SAKUNTHALA DEVI

...Petitioner

Vs.

1 THE STATE OF TAMILNADU
REP BY THE COMMISSIONER OF POLICE,
COIMBATORE TOWN,
COIMBATORE-18.

2 THE INSPECTOR OF POLICE
B-15 RATHNAGIRI POLICE STATION,
COIMBATORE.

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to issue appropriate direction relating to Crime No.1303/2013 on the file of the 2nd respondent registered on the direction of the 1st respondent and altering the charge sheet to include the penal provisions of SC/ST Act in addition to the charges under the Penal Code and conduct a just and fair investigation by an independent special team and report thereon stipulating a time limit in the interest of justice.

For Petitioner : Mr.R.Chellappa

For Respondents सत्यमेव जयते : Mr.C.Emalias, APP

O R D E R

This petition has been filed to issue appropriate direction relating to Crime No.1303/2013 on the file of the 2nd respondent registered on the direction of the 1st respondent and altering the charge sheet to include the penal provisions of SC/ST Act in addition to the charges under the Penal Code and conduct a just and fair investigation by an independent special team and report thereon within a stipulated time.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the respondents and perused the materials placed on record.

3. It is seen that, the accused in this case are facing trial in PRC.No.5 of 2015 for offences under Section 201 and 302 IPC and the matter is pending committal before the learned Judicial Magistrate-II, Coimbatore. At this juncture, this petition has been filed for a direction under Section 482 Cr.P.C to the Trial Court to alter the charges, on the ground that the victim is a Dalit.

4. On reading the proceedings dated 28.03.2014 of the Commissioner of Police, Coimbatore, it is seen that the accused in this case are also Dalit. Therefore, the aforesaid offences cannot be altered. Further, no direction under Section 482 Cr.P.C can be given to the committal court, as prayed for by the petitioner.

Hence, the petition is devoid of merits and stands dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1 THE STATE OF TAMILNADU
REP BY THE COMMISSIONER OF POLICE,
COIMBATORE TOWN,
COIMBATORE-18.
- 2 THE INSPECTOR OF POLICE
B-15 RATHNAGIRI POLICE STATION,
COIMBATORE.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

1 CC to Mr.R.Chellappa, Advocate SR.No. 57843

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SAI (CO)
PSI (05.11.2015)



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