

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.No.3047 of 2015

and M.P.No.1 of 2015

D.Ramagopal

...Petitioner

vs.

The State Rep by
The Inspector of Police,
B8 Police Station,
Variety Hall Road,
Coimbatore.

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent to include Section 307 IPC in the charge sheet in S.T.C.No.1300 of 2014 on the file of the V Judicial Magistrate, Coimbatore and subsequently direct the respondent to file additional charge sheet in Crime No.360 of 2014.

For Petitioner : Mr.K.Sivakumar

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition has been filed, seeking a direction to the respondent to include Section 307 IPC in the charge sheet in S.T.C.No.1300 of 2014 on the file of the V Judicial Magistrate, Coimbatore and consequently direct the respondent to file additional charge sheet in Crime No.360 of 2014.

2. The learned Additional Public Prosecutor representing the respondent-Police submitted that investigation of the case in Crime No.360 of 2014 was concluded and charge sheet was filed before learned Judicial Magistrate No.V, Coimbatore for offences under Section 75 of the Tamil Nadu City Police Act and Section 323 IPC and taken on file in S.T.C.No.1300 of 2014.

3. The learned counsel for the petitioner submitted that having regard to the statement of victim, the respondent police ought to have filed charge sheet for the offence under Section 307 IPC.

4. As per the charge sheet, the offences under Section 323 IPC and Section 75 of the Tamil Nadu City Police Act was made out and if the statement of witnesses establishes the inclusion of the offence under Section 307 IPC, the learned Magistrate shall direct the respondent to alter the offence in the charge sheet. Therefore, it is open to the petitioner to approach the learned Judicial Magistrate No.V, Coimbatore for altering the offence.

5. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
Dated:10.3.15

True Copy

Sub Assistant Registrar

To

- 1.The V Judicial Magistrate, Coimbatore.
- 2.do thro' The Chief Judicial Magistrate, Coimbatore.
- 3.The Inspector of Police,
B8 Police Station,
Variety Hall Road,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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Cr1.O.P.No.3047 of 2015

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