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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Cr1.O.P.(MD)No.12510 of 2015

Naina Mohamed

... Petitioner

Vs.

State rep. By

1.The Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

3.The Inspector of Police,
Thiruvadanai Police Station(Crime),
Ramanathapuram District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the third respondent to add the additional penal provisions namely 307 I.P.C in the F.I.R in Crime No.152 of 2015, dated 20.06.2015 on the file of the third respondent.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.K.Anbarasan

Government Advocate(Crl. Side)

O R D E R

This Criminal Original Petition has been filed by the petitioner seeking a direction to include the offence under Section 307 I.P.C in Crime No.152 of 2015 along with other offences.



2.The learned counsel for the petitioner submitted that one of the accused by name Ismath Ali has attacked the petitioner with aruval on the head and the very complaint has been received from the hospital and the petitioner is still in hospital as inpatient having been transferred to Government Hospital at Ramnad. Therefore, the offence under Section 307 I.P.C, is to be included in the case.

3. The learned Government Advocate(Crl. Side) would submit that if a case is made out for the offence under Section 307 I.P.C., appropriate penal provision would be incorporated.

4. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the State.

5. A perusal of the complaint would go to show that one Ismath Ali is said to have attacked the petitioner on the head with aruval. There is sufficient averment to prove that fact . Considering the same, a direction is issued to the third respondent to add the offence under Section 307 I.P.C at least insofar as Ismath Ali is concerned and proceed further in accordance with law.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.



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3.The Inspector of Police,
Thiruvadanai Police Station(Crime),
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

PM

RJ 27.07.2015 3P/5C

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