

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.14168 of 2016

Siddhan

.. Petitioner

Vs

1.The Superintendent of Police
Salem District, Salem.

2.The Inspector of Police
Poolampatti Police Station
Poolampatti, Salem District
Crime No.157/2016

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to alter the Section as 302 IPC and add all the names of the accused persons in pursuance to the dying declaration in Cr.No.157 of 2016 on the file of the second respondent.

For Petitioner : Mr.C.Munusamy

For respondents : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent to alter the Section as 302 IPC and add all the names of the accused persons in pursuance to the dying declaration in Cr.No.157 of 2016 on the file of the second respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. Pursuant to the death of one Irusappan, on the statement given by his wife Perumayee, the respondent police have registered a case in Cr.No.157 of 2016 on 18.06.2016 for an offence under Section 306 IPC against three accused. The petitioner, who is the son of the deceased Irusappan, has approached this Court for a direction to alter the FIR into one under Section 302 IPC and also to add the accused persons who have been named in the dying declaration that has been given by

the deceased Irusappan to the Judicial Magistrate, Salem, at the hospital where the former was admitted with burn injuries.

4. This Court perused the dying declaration and found that Irusappan has named the accused persons and has also alleged that they had poured petrol and set fire on him. Taking into consideration the gravity of the allegations, this Court directs the Deputy Superintendent of Police, Sangagiri, to monitor the investigation done by the Inspector of Police, Poolampatti Police Station in Cr.No.157/2016 and conduct an unbiased investigation thoroughly. If during the course of investigation it is found that the deceased was done to death as alleged by him in the dying declaration, the police shall file necessary Alteration Report before the jurisdictional Court. If it is found otherwise, the police shall collect sufficient materials to show that the dying declaration is not worthy of acceptance.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gms
To

- 1.The Deputy Superintendent of Police,
Sangagiri.
- 2.The Superintendent of Police,
Salem District,
Salem.
- 3.The Inspector of Police,
Poolampatti Police Station,
Poolampatti,
Salem District.
- 4.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.C.Munusamy, Advocate Sr.38654

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srg 02/08/2016