

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

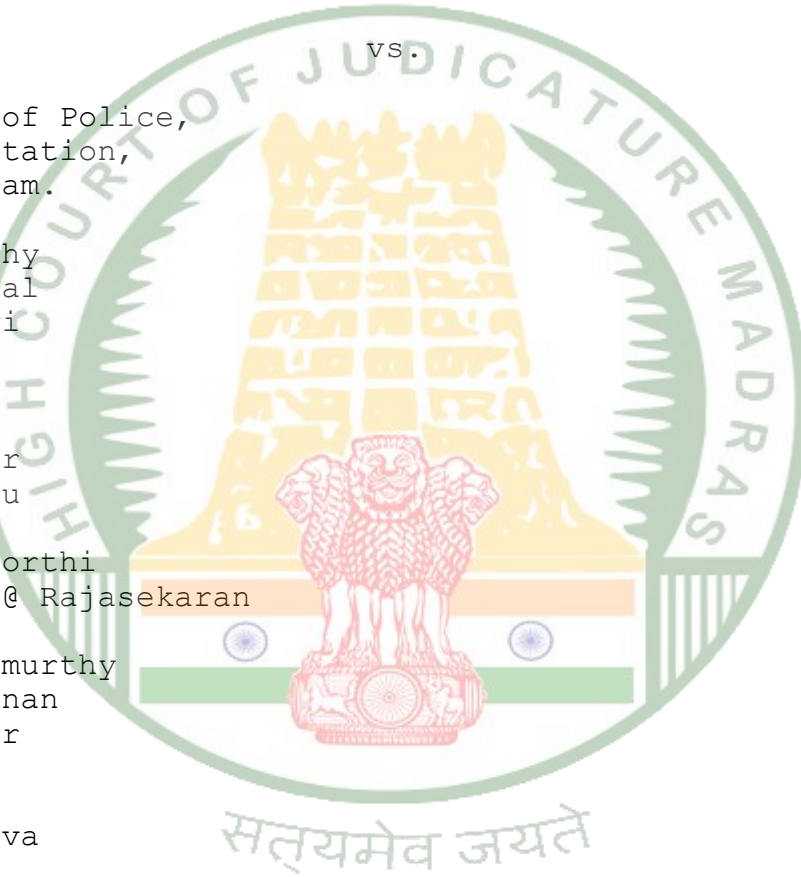
Cr1.R.C.No.250 of 2016

Lakshmiammal

... Petitioner

vs.

1. Inspector of Police,
E1, Police Station,
Udhagamandalam.
2. Ashokan
3. Bellamoorthy
4. Tailor Gopal
5. Degree Ravi
6. Rajkumar
7. N. Suresh
8. H.D. Gokul
9. Rameshkumar
10. J.K.L. Raju
11. Sukumar
12. Krishnamoorthi
13. Chandran @ Rajasekaran
14. Magarishi
15. B. Krishnamurthy
16. Ramakrishnan
17. Selvakumar
18. Shanthi
19. Sarasu
20. Kiliyaselva
21. Santhosh
22. Senthil
23. Murugaesh
24. Kullakumar
25. Saravanan
26. L. Ravi
27. Aravind
28. K. Mohan'
29. K. Manikandan
30. Jeyakumar
31. Kumar
32. Malini @ Malathi
33. M.B. Meena



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34.H.Saraswathi
35.Kumari
36.Rani @ Naravarani
37.Sharmila
38.Maliga
39.C.Saroja
40.B.Manihatty

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment passed by the Learned Sessions Judge, Fast Track Mahila Court, Udhagamandalam in M.P.No.150 of 2015, in S.C.No.2 of 2013, order dated 30.10.2015.

For Petitioner :M/s.C.Saifullah
For Respondent :Mr.K.Madhan
for R1 Government Advocate (Crl.side)
R2 to 40 :Mr.M.Velmurugan

O R D E R

Petitioner challenges the order of learned Sessions Judge, Mahila Fast Track Court, Udhagamandalam, passed in M.P.No.150 of 2015 in S.C.No.2 of 2013, on 30.10.2015.

2. Learned counsel for petitioner/de facto complainant informs that on the complaint of the petitioner a case was registered in Crime No.2 of 2012 on the file of first respondent for offences under Sections 147, 148, 323, 448, 436, 307 and Section 3(1) TNPPDL Act 1992. While registering the case, Section 307 of IPC has been included and the charge sheet did not inform the commission of such offence. Petitioner has moved the Court below alleging that the offence under Section 307 of IPC has also to be included. The Court below, under the impugned order, dismissed the petition giving rise to this revision.

3. Learned counsel for petitioner submits that in dismissing the petition, the Court below has erroneously observed that the nature of injury which was sustained by the petitioner/defacto complainant was simple in nature and as such offence under Section 307 of IPC would not stand attracted.

4. While, such a view might not be correct as what is required to attract offence under Section 307 of IPC is intent to murder, which intention has to be gathered not only by the

nature of injury, in the facts and circumstances of the case, this Court would not interfere with the order under challenge for the simple reason that Section 216 of Cr.P.C enables the Court to alter or add any charge at any time before judgment is pronounced should the Court be of the view that a larger or lesser offence is made out.

5. This Criminal Revision is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Learned Session Judge,
Mahila Fast Track Court,
udhagamandalam.

+2cc to Mr.C.Saifullah, Advocate Sr.63193
+1cc to Mr.M.Velmurugan, Advocate Sr.63721

Cr1.R.C.No.250 of 2015

svi[co]
srg 09/01/2017

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