

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3195 of 2016

K.Katteri

.. Petitioner

Vs.

The Sub-Inspector of Police
Vaniyambadi Taluk Police station
Vaniyambadi Taluk, Vellore District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to alter the Sections 506(ii) and 307 IPC in F.I.R. in Crime No.336 of 2015 on the file of the respondent police.

For Petitioner :Mr.T.Meganathan
For Respondent :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking a direction to the respondent to alter the Sections 506 (ii) and 307 IPC in F.I.R. in Crime No.336 of 2015 on the file of the respondent police.

2.Learned counsel for the petitioner submits that the accused persons with an intention to cause murder, had assaulted the petitioner and his family members with deadly weapons and that the petitioner sustained grievous injuries. But the case has been registered only for the offences under Sections 294(b), 323 and 324 IPC. Hence, he prays for alter the Sections into 506 (ii) and 307 IPC.

3.Learned Additional Public Prosecutor has filed a status report stating that on the basis of the complaint given by the petitioner, a case in Crime No.336 of 2015 has been registered for the offences under Sections 294(b), 323 and 324 IPC. It is further stated that witnesses were examined and their statements have been recorded. As per the A.R.copy, since the petitioner sustained only simple injuries, they registered the case for the aforesaid offences.

4.Today, at the time of argument, learned Additional Public Prosecutor submits that now the offence has been altered into Section 506(ii) IPC.

5.Heard both sides.

6.It is true, as per the dictum of the Honourable Apex Court, intention of the accused to commit murder alone is necessary to establish the ingredients of Section 307 IPC and causing of injury is not required.

7.A perusal of F.I.R. reveals that in no where it was stated that the accused persons only with an intention to cause murder had assaulted the petitioner. Under such circumstances, prima facie the ingredients of Section 307 IPC are not made out. According to the learned Additional Public Prosecutor, offence is now altered into Section 506(ii) IPC.

8.Recording the submissions so made by the learned Additional Public Prosecutor, the Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Sub-Inspector of Police
Vaniyambadi Taluk Police station
Vaniyambadi Taluk, Vellore District.

2.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.T.Meganathan Advocate sr.26482

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