

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

Cr1.O.P.No.3796 of 2016

Jaganatha Reddy

.. Petitioner

vs

State by

1.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2.The Sub-Inspector of Police,
Thally Police Station,
Krishnagiri District.

.. Respondents

Prayer:- This Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the respondents to alter the section into 307 of IPC and alter the FIR based on the statement originally recorded from the Somasekara Reddy in Crime No.23/2016 on the file of the 2nd respondent.

For Petitioner : Mr.K.Thiruvengadam

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for direction, directing the respondents to alter the section into 307 of IPC on the basis of the statement recorded from Somasekara Reddy in Crime No.23 of 2016 on the file of the second respondent.

2.The learned counsel appearing for the petitioner would submit that on the basis of the complaint given by one Prabakar Reddy for the alleged occurrence taken place on 13.01.2016, a case in Crime No.23 of 2016 has been registered for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC stating that on 13.01.2016 when the petitioner was returning to his land after procuring workmen to do agricultural work in his field, he was assaulted by one Nagaraj on his right neck and he sustained injury. Immediately, a case has been registered and he was

admitted in the hospital. Now, the petitioner has come forward with this petition to alter the section to 307 IPC and pray for an order.

3.The learned Additional Public Prosecutor filed a detailed counter stating that investigation is considerably over. He further submitted that the petitioner has not appeared before the Doctor for obtaining wound certificate and because of that only, final report is yet to be filed. He would also submit that the respondents are ready to consider the representation of the petitioner after receiving the wound certificate and examination of Doctor. However, he prayed for dismissal of the petition.

4.Considering the rival submissions made on both sides, I am of the view that whether the petitioner has sustained grievous injury and whether the ingredients of Section 307 IPC has been made out? has to be decided only at the time of filing charge sheet and because of the non-appearance of the petitioner before the Doctor for obtaining wound certificate, final report is yet to be filed. Therefore, the Criminal Original Petition is disposed of with a direction that the petitioner shall appear before the Government Doctor for obtaining wound certificate and the respondent police is also directed to consider the representation given by the petitioner and alter the correct provision of law while filing the charge sheet.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

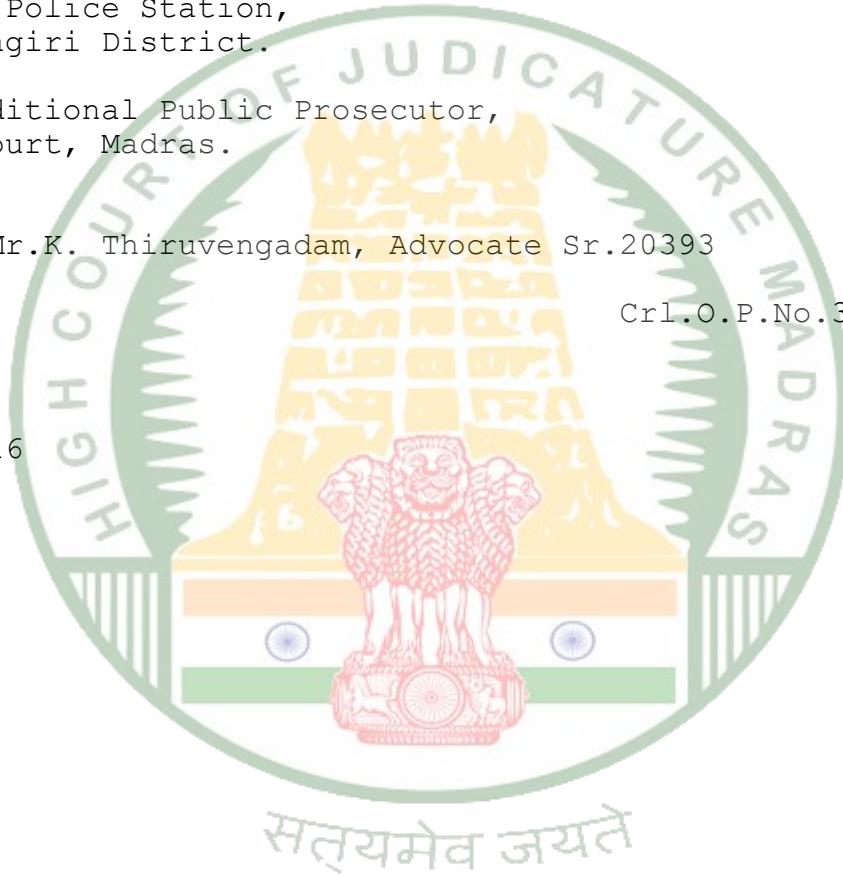
2.The Sub-Inspector of Police,
Thally Police Station,
Krishnagiri District.

3.The Additional Public Prosecutor,
High Court, Madras.

1 cc to Mr.K. Thiruvengadam, Advocate Sr.20393

Crl.O.P.No.3796 of 2016

CA(CO)
Eu 22.04.16



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