

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5856 of 2016

R.Jayaraman

.. Petitioner

Vs.

1.The Superintendent of Police
Ariyalur District.

2.Sub-Inspector of Police
Vikramangalam police station
Ariyalur District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to alter the Section from S.324 IPC to S.326 IPC in Crime No.70 of 2016 pending on the file of the 2nd respondent police.

For Petitioner :Mr.R.Thiagarajan

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

O R D E R

The petitioner has come forward with this petition seeking a direction to the respondents to alter the Section from S.324 IPC to S.326 IPC in Crime No.70 of 2016 pending on the file of the 2nd respondent police.

2.Learned counsel for the petitioner submits that in the occurrence said to have taken place on 13.02.2016, the petitioner had sustained grievous injuries and immediately, he was admitted in the hospital. He further submits that F.I.R. has been registered only on 07.03.2016 with incorrect statement and the facts have not been properly mentioned. His wound certificate clearly shows that the injuries sustained by the petitioner are grievous in nature. Hence, the petitioner has come forward with this petition for the above stated relief.

3.Heard the learned Additional Public Prosecutor.

4.A perusal of the typed set of papers reveals that the alleged occurrence said to have been taken place on 13.02.2016 at about 2.30 p.m. and the petitioner was admitted in the hospital at 4.20 p.m. In the wound certificate, it was specifically mentioned that the petitioner was assaulted by two known male persons with knife, aruval and kattai and that he sustained grievous fracture in ulna middle 1/3. It clearly shows that ingredients of Section 326 IPC are clearly made out. When the petitioner was admitted in the hospital on 13.02.2016, his statement has been recorded and F.I.R. has been registered only on 07.03.2016. But no reason has been assigned as to why there was a delay in registering F.I.R. In such circumstances, the second respondent is directed to record further statement of the petitioner and file a final report in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police
Ariyalur District.

2.Sub-Inspector of Police
Vikramangalam police station
Ariyalur District.

3.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.R.Thiagarajan, Advocate sr.24886

Cr1.O.P.No.5856 of 2016

GJ II(CO)
srg(11/05/2016)