

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.6418 of 2016

Manikandan

... Petitioner

. Vs .

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

2. The Inspector of Police,
Walajabad Police Station,
Walajabad,
Kancheepuram District.
(Crime No.63 of 2016)

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue a direction to transfer the investigation from the second respondent to the first respondent and alter the offences in Crime No.63/2016, dated 21.02.2016 now pending on the file of the second respondent.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction to transfer the investigation from the second respondent to the first respondent and alter the offences in Crime No.63/2016, dated 21.02.2016 now pending on the file of the second respondent.

2. The learned counsel for the petitioner would submit that on the basis of the complaint given by one Bambai, a case in Crime No.63/2016 for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC has been registered. The learned counsel for the petitioner would further submit that in the occurrence, five persons have sustained injuries and

so, the offences under Sections 326 and 306 of IPC & 4 of Women Harassment Act have to be included and hence, the petitioner has come forward with this petition for the above stated relief.

3. The occurrence is said to be taken place on 21.02.2016 and the case has been registered on 22.02.2016. In the First Information Report, it was specifically mentioned about the fact that what are the weapons the accused used and what are the injuries the victims have sustained and on that basis only, the case has been registered.

4. In such circumstances, I do not find any reason to alter the provisions of law. Furthermore, at page No.10 of the typed set of papers, it is mentioned that one Porkodi was admitted on 23.02.2016 in Chengalpattu Medical College and discharged on 26.02.2016. Further, it was specifically mentioned by the Neuro Surgeon that "Nil acute neurological". Since no one can commit suicide, instead of Section 307 IPC, it was wrongly mentioned as Section 306 IPC. So, the ingredients of the offences under Sections 326 and 307 of IPC have not been, prima facie, made out.

5. At this juncture, the learned Additional Public Prosecutor would submit that they will include Section 4 of the Women Harassment Act.

6. Considering the facts and circumstances of the case, I do not find any reason to transfer the investigation from the second respondent to the first respondent and alter the offences in Crime No.63/2016. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jr1

To

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

2. The Inspector of Police,
Walajabad Police Station,
Walajabad,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sasikumar, Advocate, S.R.No.19151

CRL.O.P.No.6418 of 2016

KK(CO)
CA(26/04/2016)



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