

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.345 of 2017

C.Indira Gandhi

... Petitioner

Vs

State, rep. by
The Assistant Commissioner of Police,
Law and Order,
Western Range, Salem City. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate, Additional Mahila Court, Salem, to add the charges under Sections 3(1)(x) and 3(1)(XII) of SC/ST (Prevention of Atrocities) Act, in the case in C.C.No.96 of 2015 and commit the same to the Court of Sessions.

For Petitioner : Mr.P.G.Santhosh Kumar
For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the learned Judicial Magistrate, Additional Mahila Court, Salem, to add the charges under Sections 3(1)(x) and 3(1)(xii) of SC/ST (Prevention of Atrocities) Act, in the case in C.C.No.96 of 2015 and commit the same to the Court of Sessions.

2. It is the case of the petitioner that on the basis of the complaint given by her as against one Sathish Kumar and five others, the respondent police registered a case in Crime No.7 of 2014 for the alleged offence punishable under Sections 417, 412, 294(b) and 506(ii) I.P.C. read with Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act. However, on completion of

investigation, the respondent police filed final report only for the offence under Section 417 I.P.C. Hence, the petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor by filling counter affidavit, submitted that the petitioner has to work out her remedy before the learned Judicial Magistrate, Additional Mahila Court, Salem, and necessary provisions can be added by the said Court itself at the time of framing of charges.

4. In view of the same, the present criminal original petition is disposed of, with a direction to the learned Judicial Magistrate, Additional Mahila Court, Salem, to consider the claim of the petitioner for adding the charges under Sections 3(1)(x) and 3(1)(xii) of SC/ST (Prevention of Atrocities) Act, in C.C.No.96 of 2015, on merits, at the time of framing of charges.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Judicial Magistrate,
Additional Mahila Court, Salem .

2.The Assistant Commissioner of Police,
Law and Order,
Western Range, Salem City.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.G. Santhosh kumar, Advocate, S.R.No.10388

ks(CO)
md(01/03/2017)

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