

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19522 of 2018
and CRL.M.P.No.10342 of 2018

T.Annamalai

.. Petitioner

Vs

The Sub Inspector of Police,
Kaikalathur Police Station,
Perambalur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondent to alter the Section 147, 148,
341, 294[b], 323, 326, 506[ii] r/w 149 IPC and include Section
307 IPC in the above crime No.108 of 2014 in C.C.No.147 of 2016
pending on the file of Judicial Magistrate Court, Perambalur.

For Petitioner : Mr.K.Nagarajan

For Respondent : Mr.C.Raghavan, GA

O R D E R

On the complaint lodged by the petitioner, the respondent Police have registered a case in crime No.108 of 2014 on 20.07.2014 under Section 147, 148, 341, 294[b], 324, 506[ii] and 379 IPC [NP] against 21 accused. During the course of investigation, the respondent Police filed an alteration report altering the offences to 147, 148, 341, 294[b], 323, 326 and 506[iii] IPC. After completing the investigation, the respondent Police have filed a Charge Sheet in C.C.No.147 of 2016 before the Judicial Magistrate, Perambalur and the learned Magistrate has taken cognizance of the offence under Section 147, 148, 341, 294[b], 323, 326, 506[ii] IPC r/w Section 149 IPC and process has been issued to 21 accused. While so, the de facto complainant is before this Court for alteration of the offences in the charge sheet and for inclusion of Section 307 IPC.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.Learned counsel for the petitioner submitted that the accused attacked him with an intention to murder him and therefore, Section 307 IPC should be included. However, on a reading of the Charge Sheet and the statement of the petitioner, it is seen that some of the accused had attacked with sticks and rod, that is why, Section 326 IPC has been included in the alteration report.

4.This Court does not find any materials to include Section 307 IPC. That apart, no such directions can be issued to the Police, as to what opinion they should form at the time of filing the Final Report. In the law laid down by the PRIVY COUNCIL in King Emperor Vs. Khwaja Nazir Ahmad [(1943-44) 71 IA 203], which judgment has been approved by a catena of judgments of the Supreme Court, the Privy Council and the Supreme Court have held that Court cannot step into the shoes of the Investigating Officer and direct him as to how, he should investigate a case and what opinion he should form.

In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.Judicial Magistrate,
Perambalur.

2.The Sub Inspector of Police,
Kaikalathur Police Station,
Perambalur District.

3.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.19522 of 2018

nr 27/08/2018