



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD).No.12372 of 2018

and

Crl.M.P.(MD).No.5621 of 2018

Arockiyadass @ Annamalai

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Madurai District.

2. The Deputy Superintendent of Police,
Omatchikulam Sub-Division,
Madurai District.

3. The Inspector of Police,
Silaiman Police Station,
Madurai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the charge sheet filed by the third respondent in P.R.C.No.11 of 2018, on the file of the learned Judicial Magistrate No.II, Madurai and further direct the second respondent herein, to further investigate the case in Crime No.669 of 2017, dated 18.10.2017, on the file of the third respondent, by including the offences under Sections 3(1)(r), 3(2)(v), 3(2)(va) of SC/ST (POA) Act, as mandated in the act and to file fresh charge sheet.

For Petitioner : Mr.M.Maran

For Respondents : Mr.K.Suyambulingabharathi

Government Advocate (Crl.Side)

O R D E R

This petition has been filed, challenging the non-inclusion of the offences under various provisions of SC/ST (POA) Act.

2. The First Information Report was registered in Crime No.669 of 2017, by the third respondent, for the offences under Sections 341, 323, 506 (i) and 363 I.P.C. Thereafter on investigation, a final report was filed for the offences under Sections 147, 148, 342, 323, 506 (i), 364 and 302 I.P.C. At the time, when the Criminal Original Petition was filed, the matter was before the committal Court pending in P.R.C.No.11 of 2018.



3. The learned Government Advocate (Crl. side) appearing for the respondents would submit that the committal Court has committed the case to the Sessions Court, Madurai on 19.07.2018 and the matter has been posted for appearance of the accused persons on 07.09.2018.

4. At this stage, this Court is not inclined to interfere with the final report filed by the third respondent since the matter is at a threshold stage. In the course of trial, based on the evidence, if any other offences also get established, the Trial Court has been given powers under Section 216 Cr.P.C to alter the charges at any stage of the case. Therefore, at this stage, it is not appropriate for this Court to grant the relief sought for by the petitioner.

5. The Criminal Original Petition stands disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Superintendent of Police,
District Police Office,
Madurai District.
2. The Deputy Superintendent of Police,
Omatchikulam Sub-Division,
Madurai District.
3. The Inspector of Police,
Silaiman Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.Maran, Advocate SR.No.78096
Tsg
MK/RSK/SAR 1/30.08.2018/2P/6C