

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6915 of 2019

Ramasamy

Petitioner

Vs.

State rep. by
Inspector of Police
Kalasapakkam Police Station
Thiruvannamalai District
Crime No.91/2019

...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to alter the offence under Section 294(b), 323, 324, 447, 326 and 307 of IPC instead of under Section 294(b), 323, 324 of IPC in the above Crime No.91/2019 and file a final report.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.C.Raghavan

Govt. Advocate (Crl. Side)

सत्यमेव जयते
ORDER

This Criminal Original Petition has been filed by the petitioner to direct the respondent to alter the offence under Section 294(b), 323, 324, 447, 326 and 307 IPC instead of under Section 294(b), 323, 324 IPC in the above Crime No.91/2019 and file a final report.

2.The learned counsel for the petitioner would submit that due to enmity the petitioner's family was attacked by the accused and therefore he was admitted in the Vilvarani Government Hospital for treatment. Then the petitioner was shifted to Kalasapakkam Government Hospital then he was admitted before the Thiruvannamalai

Governemnt Hospital for advanced treatment through 108 Ambulance. The respondent police recorded the statement from the petitioner on 25.01.2019 and registered a case under Section 294(b), 323, 324 IPC in Crime No.91/2019 dated 01.02.2019. The petitioner was admitted in the hospital on 23.01.2019 and discharged from the Government hospital on 11.02.2019. The discharge summary, the treatment certificate was also produced by the petitioner before the respondent police. Even though the respondent police has not altered under Section from 294(b), 323, 324 IPC to 294(b), 323, 324, 447, 326 and 307 IPC in Crime No.91/2019 on the file of the respondent. Hence, this petition.

3.Heard the learned counsel for the petitioner.

4.On a perusal of the documents, it is seen that the petitioner submitted the medical records to show that the petitioner was admitted in hospital and thereafter discharged. Considering the above facts and circumstances of the case, the petitioner is hereby directed to produce all the medical records available with him to the respondent. On receipt of the same, the respondent is directed to consider the same and take appropriate steps to alter the offence as requested by the petitioner if cognisance of offence is made out as against the accused.

5.With the above direction, this Criminal Original Petition stands disposed. of.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police
Kalasapakkam Police Station
Thiruvannamalai District
Crime No.91/2019

2.The Public Prosecutor,High Court of Madras.

+1cc to Mr.R.Balakrishnan , Advocate SR.No. 23917

Cr1.O.P.No.6915 of 2019

A.SK(01/05/2019)