

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :22.08.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.16260 of 2019

A.Krishnamoorthi

... Petitioner/Defacto Complainant

Vs.

State rep by:

Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.193 of 2019).

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to issue suitable direction or order in the nature of direction for transfer the investigation registered in Crime No.193 of 2019 from the file of Inspector of Police, Mathur Police Station, Krishnagiri District to any other Investigating Agency.

For Petitioner : Mr.V.Haridass

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for transfer of investigation, pending in Crime No.193 of 2019, on the file of the respondent police.

2. The petition was filed on the ground that the petitioner was attacked by the accused persons with iron rod and knife and he sustained serious head injuries. It is further alleged that the petitioner was also attacked only with an intention to murder.

3. The grievance of the petitioner is that the respondent police have only registered an FIR in Crime No.193 of 2019 for offences under Sections 147, 148, 448, 294(b), 324, 341, 427 and 506(2). There was a clear attempt to murder the petitioner and therefore the respondent police ought to have added Section 307 of IPC and therefore, there is an apprehension in the mind of the petitioner that the investigation has not been done properly.

4. The learned counsel for the petitioner by bringing to the notice of this Court, certain photographs that were taken at the time, when the petitioner sustained injuries and also the medical certificate that was given by the hospital, where the petitioner took treatment, submitted that the petitioner sustained very grievous head injury and attack was made with the clear intention to murder the petitioner. Therefore, the learned counsel submitted that the investigation in this case without adding Section 307 of IPC, will cause grave prejudice to the petitioner.

5. The learned Additional Public Prosecutor on instructions from the respondent police, submitted that in the course of investigation, the respondent police have added the offence under Section 325 of IPC. The learned counsel further submitted that if in the course of investigation, the respondent police are able to find material to show that there was an intention to murder the petitioner, the FIR will be altered accordingly, or at the time of filing of the final report, necessary provisions will be shown in the final report.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. This Court is not inclined to transfer the investigation at this stage, merely based on apprehension. The submissions made by the learned Additional Public Prosecutor is recorded and it is expected that as and when the respondent police is able to get materials to come to a conclusion that there was an attempt to murder the petitioner by the accused persons, necessary alteration shall be made in the FIR or at least at the time of filing of final report, the necessary offences shall be clearly reflected in the final report.

8. Accordingly, this Criminal Original Petition is disposed of with the above direction.

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Assistant Registrar (CS V)
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Sub Assistant Registrar

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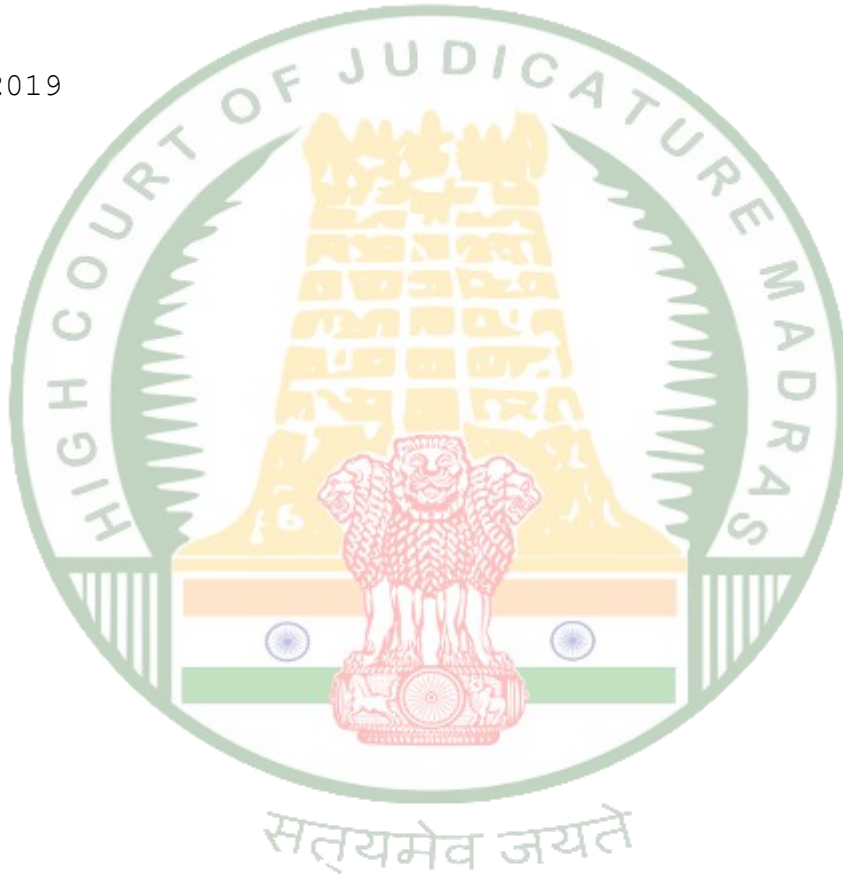
To

1.The Inspector of Police,
Mathur Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.16260 of 2019

vba(co)
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