

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17979 of 2019
in Crl.MP No.9054 of 2019

K.N.Babu

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai 600 007.

2. Inspector of Police,
J8, Neelankarai Police Station,
Neelankarai,
Chennai 600 041

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to alter the offence under Section 279, 304A IPC instead of 279, 338, IPC in C.C No.302 of 2019 pending on the file of Judicial Magistrate, Alandur.

For Petitioner : Mr.M.Selvam

For Respondent :Mr.Mohammed Riyaz, APP

ORDER

This petition has been filed seeking for a direction to alter the offence under Section 279, 304 A IPC instead of 279 & 338, IPC in C.C No.302 of 2019 pending on the file of Judicial Magistrate, Alandur.

2. The respondent police have filed a final report for an offence under Section 279 and 338 IPC. The petitioner, who is the defacto complainant has filed this petition on the ground that the materials collected during investigation clearly makes out an offence under Section 304(A) IPC and the same has not been added in the final report. The further grievance of the petitioner is that the Court below without investigating the same has taken cognizance of the offence only under Section 279 and 338 IPC.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

4. The grievance of the petitioner can be taken care by the Court below in exercise of its power under Section 216 of Cr.PC. The Court can at any stage alter charges based on the materials available before the Court and also based on the evidence collected during the trial. If the Court below finds that an offence under Section 304(A) IPC is made out, the Court below can always alter the charges and proceed further with the case for the altered offence also.

5. This Criminal original petition is disposed of accordingly. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Alandur.
- 2.-Do- Thro' The Chief Judicial Magistrate,
Tambaram.
- 3.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai-7.
- 4.The Inspector of Police,
J8, Neelankarai Police Station,
Neelankarai, Chennai- 600 041.
- 5.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Selvam, Advocate Sr.57698

Cr1.O.P.No.17979 of 2019

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srg 15/07/2019