



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.9618 of 2018

WEB COPY

Sureshkumar

... Petitioner

Vs

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Kallikudi Police Station,
Trichy District,.
Crime No.365 of 2017

3.Mathialagan

4.Selin Mary

5.Lakshmi

6.Sangeetha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 2nd respondent to alter the provision of law in Crime No.365 of 2017 under Section 294(b), 323, 324, 326, 307 & 506(ii) of I.P.C. instead of 294(b), 323, 324 & 506(ii) of I.P.C.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.K.Suyambulinga bharathi,
G.A. (Crl. Side) for RR1 and 2
Mr.S.Gokulraj, for RR3 to 6

O R D E R

This petition has been filed to direct the 2nd respondent to alter the provision of law in Crime No.365 of 2017 under Section 294 (b), 323, 324, 326, 307 & 506(ii) of I.P.C. instead of 294(b), 323, 324 & 506(ii) of I.P.C.

2.The learned Government Advocate (criminal side) submitted that after due investigation, the 2nd respondent filed charge sheet against the accused persons for the offences under Sections 294(b), 323, 326 and 506(i) I.P.C. and the same is pending for taking cognizance by the learned Judicial Magistrate concerned.



3.However, the learned counsel appearing for the petitioner would submit that there are averments as against the accused persons to attract the offence under Section 307 I.P.C.

4.Considering the above submission, this Court is of the view that at this stage, the prayer sought for by the petitioner cannot be granted. Accordingly, this criminal original petition is dismissed. However, the petitioner is at liberty to invoke the provision under Section 319 of Cr.P.C., before the trial Court to include other offences, if there is any incriminating evidence as against the accused persons during the trial.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Inspector of Police,
Kallikudi Police Station,
Trichy District,.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.GOKULRAJ, Advocate (SR-96276[F] dated 06/11/2019)

Order made in
CRL.O.P (MD) No.9618 of 2018
05.11.2019

_MK (21.11.2019) 2P 5C