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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6361 of 2022

Pushparaj,
S/o.Irusan

...Petitioner/Defacto Complainant

Vs

1.The State Represented by,
The Superintendent of Police,
Villupuram, Villupuram District.

2.The Inspector of Police,
Valavanur Police Station,
Villupuram District.

(Crime No.137 of 2022)

...Respondents/Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased, to direct the second respondent police to alter the Sections of the offences in Crime No.137 of 2022 as Sections 147, 148, 294(b), 307, 323, 324 & 506(ii) of I.P.C instead of the existing Sections of 294(b), 323, 324 & 506(ii) of I.P.C.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

Mr.A.Gokulakrishnan, learned Additional Public Prosecutor takes notice on behalf of the respondents.

2. This Criminal Original Petition has been filed seeking for a direction to the second respondent, to alter the Sections of the offences in Crime No.137 of 2022 as Sections 147, 148, 294(b), 307, 323, 324 & 506(ii) of I.P.C instead of the existing Sections of 294(b), 323, 324 & 506(ii) of I.P.C.

3. The learned counsel for the petitioner would submit that the petitioner is a defacto complainant in Crime No.137 of 2022.



In this case, the accused brutally assaulted the petitioner with stones, caused fracture in the elbow, in the left shoulder and the petitioner was admitted in the hospital and was taking treatment as an inpatient for more than nine days.

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4. The learned counsel for the petitioner would submit that despite the petitioner sustaining grievous injuries, the second respondent in order to help the accused has registered the case only for the offences under Sections 294(b), 323, 324 and 506 (ii) of I.P.C. The second respondent ought to have registered the case for serious offences, whereas, it has been registered for minor offences only in order to help the accused. Hence, the present petition has been filed seeking to direct the second respondent to alter the case Sections of the offences to Sections 147, 148, 294(b), 307, 323, 324, 506(ii) of I.P.C.

5. Per Contra, the learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner, a case was registered for the offences under Sections 147, 148, 294(b), 307, 323, 324 and 506(ii) of I.P.C., and the second respondent has arrested the accused and they were remanded to judicial custody. He would further submit that the second respondent is not taking sides with anybody, the medical evidence and the statement of the doctors will be obtained and the provisions in this case will be properly altered.

6. Heard both sides and perused the materials available on records.

7. The petitioner has sustained grievous injuries and he has been admitted at the hospital as an inpatient for about nine days. The respondents police are directed to look into the documents, medical certificates as well as the photographs produced by the petitioner and enquire the doctors and thereby alter the sections in this case in accordance with law. At the same time, the Deputy Superintendent of Police, Villupuram Division, is directed to monitor the investigation which will be carried out by the respondents.

8. This Criminal Original Petition stands disposed with the above direction and observation.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar



rgm/arb

To

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

2.The Inspector of Police,
Valavanur Police Station,
Villupuram District.

3.The Deputy Superintendent of Police,
Villupuram Division, Villupuram.

4.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.R.Sasikumar, Advocate SR. No. 19284

Crl.O.P.No.6361 of 2022

SKM (CO)
PR (08/04/2022)