



Crl.O.P.(MD)No.7025 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **18.04.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.7025 of 2023

S.Rajamuhamed

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
Thirumayam Police Station,
In Crime No.47/2023

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to obtain a fresh statement from the petitioner by considering his representation dated 03.04.2023. Since the petitioner's brother-Kalibuula was brutally assaulted by four persons, namely, Dhanapal, Muthumari, Balasubramaniyan, Govindharaj, with a common intension to eliminate his brother, this fact was suppressed by the second respondent in the complaint recorded from the petitioner.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

This petition is filed to direct the second respondent to obtain the fresh statement from the petitioner by considering his representation dated 03.04.2023.

2. On the side of the petitioner, it is stated that the petitioner and his brother were attacked by the accused and the brother of the petitioner, viz., Kalibuula was murdered. The petitioner was admitted in the Hospital and in the hospital, the statement of the petitioner was recorded by the respondent police. Though the petitioner gave a statement that all the four accused attacked the brother of the petitioner, the police has recorded the statement as if only one of the accused has attacked the brother of the petitioner and all the other accused attacked only the petitioner. Only after the discharge from the hospital, the petitioner came to know about this false statement recorded by the police and prayed for suitable direction in this regard.



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3. On the side of the prosecution, it is stated that on 07.02.2023, the complaint was received from the petitioner and the same was recorded and a case in Crime No.47 of 2023 was registered. The petitioner has made a representation only on 03.04.2023 and 23 witnesses were already examined and the investigation is in the progress.

4. It is stated that some of the accused were left out from the charge of murder and the petitioner claims that his original statement was not properly recorded by the police.

5. In view of the above submission, the second respondent police is hereby directed to record a fresh 161 statement and to investigate the case in the proper manner in accordance with law.

6. With the above direction, this Petition is allowed.

NCC : Yes/No
Index : Yes/No
Ls

18.04.2023



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R.THARANI. J.

Ls

To

- 1.The Superintendent of Police,
O/o. Superintendent of Police,
Pudukottai District.
- 2.The Inspector of Police,
Thirumayam Police Station,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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