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Crl. O.P. No. 13612 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 13612 of 2024

V.Vinayagam

... Petitioner

Vs.

1. The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
2. The Inspector of Police,
Thandampattu Police Station,
Thandampattu,
Tiruvannamalai District.
3. The Sub Inspector of Police,
Thanipadi Police Station,
Thanipadi, Tiruvannamalai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to take necessary action that the second respondent to investigate the matter and alter the charge sheet by including the proper Section such as 307, 326 and 506(2) of IPC along with 18 members in new charge sheet stated in the petition all are directly involved in the occurrence and pass such appropriate order or direction by appointing new investigation officer.



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For Petitioner : Mr. S.Ambigapathy

For Respondents : Mr. S. Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to further investigate the complaint and alter the charge by including for the offence under Sections 307, 326 IPC and 18 other accused named in the FIR. The petitioner is the defacto complainant.

2. The learned counsel for the petitioner submits that while in the FIR he has clearly named 20 persons to trespass into the house of the petitioner herein and made an attempt on his life. The police has not properly investigated the case, + has filed final report only against two persons for the offence under Sections 147, 341, 323 of IPC. He further submits that in spite of clear wound certificate that the injury caused to the petitioner was 3 inch depth lacerated injury on the head and it was clear attempt murder. The respondent police has not altered the offence appropriately.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police on instructions from the Investigating Officer submits that the final report filed for and offence under Section 323 of IPC based



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on the opinion given by the Doctor stating that wound is simple in nature.

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4. This Court on perusing all the records find that initially when the final report was filed, the learned Magistrate was not satisfied with the report and has asked to further investigate the matter and thereafter, the final report been filed before the learned Judicial Magistrate, Thandarampattu and the same was taken on file in CC.No.77 of 2023.

5. This Court is of the view that the trial Court shall look into the material evidence available and de hors the section mentioned in the final report shall apply his mind independently. Particularly, considering the wound certificate and the seat of injury, frame appropriate charge and if in the opinion of the Magistrate, the offence is exclusively triable by the trial Court shall record the reasons and commit to the Sessions Court for further proceedings.

12.07.2024

Vv

To



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Tiruvannamalai District.
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Thandarampattu Police Station,
Thandarampattu,
Tiruvannamalai District.
3. The Sub Inspector of Police,
Thanipadi Police Station,
Thanipadi, Tiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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