



WEB COPY



Crl.O.P.No.20257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.20257 of 2024

and

Crl.M.P.No.11725 of 2024

S.Pazhaniyapillai

... Petitioner

Vs.

1.The Superintendent of Police,
Kallakurichi District.

2.The Deputy Superintendent of Police,
Kallakurichi District.

3.The Inspector of Police
Chinnasalam Police Station,
Kallakurichi District.
Crime No.547 of 2017

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to call for the records in C.C.No.134 of 2019 on the file of the Judicial Magistrate No.2, Kallakurichi and set aside the same and consequently direct the 3rd respondent to conduct reinvestigation of further investigation in Crime No.547 of 2017 on the file of the 3rd respondent and file a fresh charge sheet.

For Petitioner : Mr.T.Balachandran

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)



Crl.O.P.No.20257 of 2024

ORDER

WEB COPY

The petitioner herein alleging that there is some corrections in the Section 161 Cr.P.C., statement given by him which are contrary to the doctors evidence seeks further investigation. However, this Court finds no merit in the said submission, Section 161 Cr.P.C., statements are not substantive piece of evidence. It is for the prosecution to sustain the charge of offence under Section 326 I.P.C., with medical record and the evidence of injured victim as well as eye witnesses if any. Alteration or correction in the statement recorded under Section 161 Cr.P.C., is immaterial for the trial Court, expect in case of eliciting contradiction. The alleged correction in the statement of the petitioner recorded under Section 161 Cr.P.C., is an error which can be reconciled through medical evidence and oral evidence of the victim. Hence, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

22.08.2024

Neutral Citation : Yes/No
rpl



CrI.O.P.No.20257 of 2024

To
WEB COPY

- 1.The Superintendent of Police,
Kallakurichi District.
- 2.The Deputy Superintendent of Police,
Kallakurichi District.
- 3.The Inspector of Police
Chinnasalam Police Station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.O.P.No.20257 of 2024

Dr.G.JAYACHANDRAN,J.

rpl

Crl.O.P.No.20257 of 2024

22.08.2024