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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.25218 of 2023

Thangaraj

.. Petitioner

.Vs.

1.The Superintendent of Police
District Superintendent of Police Office
Nethimedu, Salem
Salem District-636 104.

2.The Deputy Superintendent of Police
The Deputy Superintendent of Police Office
Valapadi Division, Valapadi Taluk
Salem District.

3.The Sub Inspector of Police
Karumandurai Police Station
Karumandurai, Salem District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police to include the sections of Indian Penal Code (under Sections of 294(b), 307 IPC) and read with Sections of Scheduled Caste and Scheduled Tribe (Prevention in Atrocities) Act, 1989) as against the accused person in connection with the case in Crime No.125 of 2023 on the file of the 3rd respondent police based on the statement and representation given by the petitioner dated 5.9.2023 and 22.9.2023 consequently to file the final report within stipuated time may be fixed.



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For Petitioner : Mr.M.Ramalingam

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the 3rd respondent to include the Sections of Indian Penal Code (under Sections of 294(b), 307 IPC) and r/w Sections of Scheduled Caste and Scheduled Tribe (Prevention in Atrocities) Act, 1989) as against the accused person in Crime No.125 of 2023 and to file final report.

2.The learned Government Advocate (Crl.Side) on instructions submitted that the investigation has been completed and a final report has been filed before the learned Judicial Magistrate No.II, Attur and the same has been taken on file in STC No.207 of 2024, for the offence under Sections 279 and 337 IPC.

3.In view of the above development, the relief as sought for by the petitioner cannot be granted by this Court. However, during the course of trial, if any other offence is also established, the Court below has sufficient powers to alter the charge under Section 216 Cr.PC. Except giving this clarity, no further orders can be passed in this petition.



This criminal original petition is disposed of in the above terms.

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06.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

- 1.The Superintendent of Police
District Superintendent of Police Office
Nethimedu, Salem
Salem District-636 104.
- 2.The Deputy Superintendent of Police
The Deputy Superintendent of Police Office
Valapadi Division, Valapadi Taluk
Salem District.
- 3.The Sub Inspector of Police
Karumandurai Police Station
Karumandurai, Salem District.
- 4.The Public Prosecutor
High Court, Madras.



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