



W.P. CrI(MD) No. 1212 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P. CrI. (MD) No. 1212 of 2025

G.Duraiarasan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by. the Inspector of Police,
Vaiyampatti Police Station,
Manapparai Taluk,
Trichy District.
(In Crime No.478 of 2021).

2. Shajahan

3. Sathick Batcha

4. Mohamed Asath.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to take appropriate steps to alter the offence as Section 326 instead of Section 323 of IPC before the Trial Court by way of filing alteration report or direct the Trial Court to alter the offence under Section 326 of IPC instead of Section 323 of IPC based on the



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report of the Doctor by considering the nature of grievous injury inflicted by the respondents 2 to 4 on the petitioner and proceed with the Trial in S.C.No.129 of 2022 on the file of the Sub Court, Manapparai.

For petitioner : Mr. B.Prahalad Ravi

For respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1

ORDER

In this Writ Petition, the petitioner seeks for a Writ of Mandamus to direct the first respondent to alter the offence under Section 326 of IPC instead of Section 323 of IPC by filing alteration report for directing the Trial Court to alter the offence.

2. According to the petitioner, though the Final Report against the first accused was filed under Sections 294(b) and 307 of IPC, as against the second and third accused, the Final Report was filed under Sections 323, 341, 307, 506(2) and 34 of IPC. However, he would further submit that even as against the second and third accused, the offence under Section 326 of IPC is made out.



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3. The learned Additional Public Prosecutor, on instructions, would submit that charge sheet has been filed before the Sub Court, Manapparai already and the the same has been taken on file in S.C.No.129 of 2022 and that the enquiry is pending with regard to the alteration of the charges.

4. In view of the same, it is open to the petitioner to raise his objection before the learned Magistrate. The learned Magistrate may consider the same in accordance with law. This Court has not expressed any opinion on merits on the objections raised by the petitioner.

5. With the above observations, this Writ Petition is closed.

Index : Yes / No
Internet : Yes / No
apd

02.09.2025

To

1. The Sub Judge,
Manapparai.

2.The Inspector of Police,
Vaiyampatti Police Station,
Manapparai Taluk,
Trichy District.

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SUNDER MOHAN, J.

apd

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

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