

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.07/2023

Smt. Purnima Das

..... Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. B. Deb, Advocate,
Mrs. S. Deb (Gupta), Advocate.
For Respondent(s) : Mr. Ratan Datta, P.P.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

31/05/2023

This petition under Section 482 of the Cr.P.C. has been preferred by the informant for insertion of the provisions of Sections 307 and 326 of the Indian Penal Code (IPC, for short) in the Teliamura P.S. case No.2023/TLM/034 dated 04.05.2023 which is under investigation.

According to the petitioner, on 28.04.2023 the F.I.R. named accused persons assaulted the husband of the present petitioner mercilessly and as a result, he was admitted for more than 24 days in G.B.P. Hospital from Teliamura Hospital. He underwent operation of his fractured left hand and also had injuries on his head and left ear. However, the informant found that the police has intentionally registered the case under Sections 342/325/34 of the IPC though ingredients of Sections 307 and 326 of IPC are clearly

made out against the concerned accused persons. Petitioner has, therefore, approached the Superintendent of Police, Khowai with the said grievances and also requested him to call for the CCTV footage of Teliamura P.S. regarding submission of her complaint on 30.04.2023. However, no action has been taken. Therefore, she has approached this Court for appropriate direction upon the investigating agency to incorporate the relevant offending Sections of the Indian Penal Code under which a clear case is made out against the accused persons for attempt to murder and voluntarily causing grievous hurt by dangerous weapons or means.

Mr. Ratan Datta, learned Public Prosecutor, however, submits that the case is under investigation and the apprehension of the informant/petitioner is premature since the police may after conclusion of the investigation file the charge-sheet, if the relevant offences are made out including those under Sections 307 and 326 of the IPC. Otherwise also, the petitioner has a remedy to lodge her protest at the time of filing of the charge-sheet before the learned Court of Judicial Magistrate First Class/Chief Judicial Magistrate, Khowai in respect of the said grievances.

Having heard learned counsel for the parties and after taking note of the relevant materials and pleadings placed from the record, this Court is of the view that the present petition is premature since the police has not yet concluded the investigation. Petitioner has an adequate remedy to

lodge protest before the concerned Judicial Magistrate First Class/Chief Judicial Magistrate, Khowai in case the materials collected during investigation clearly make out other offences for which the accused persons have not been charge-sheeted. Therefore, this Court is not inclined to interfere in the present petition at this stage. However, petitioner is at liberty to make appropriate application before the concerned Court at an appropriate stage which shall be considered in accordance with law.

The instant petition stands disposed of without any interference.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

PULAK BANIK Date: 2023.06.01
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