

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Crl.RC.No. 1 of 2015 ()

AGAINST SC 493/2010 of SESSIONS COURT,PATHANAMTHITTA

AGAINST THE ORDER/JUDGMENT IN ST 1242/2007 of J.M.F.C-I.,THIRUVALLA

ACCUSED(S):

SUO MOTU PROCEEDINGS INITIATED ON A
COMMUNICATION RECEIVED FROM DISTRICT
AND SESSIONS JUDGE, PATHANAMTHITTA REGARDING
WRONG COMMITTAL IN S.C. NO.493/2010
OF SESSIONS COURT, PATHANAMTHITTA

BY ADV.

COMPLAINANT(S):

1. K.M.VARGHESE,
S/O.MATHAYI,
KEEKATTIL HOUSE,
VALLAMKULAM,
ERAVIPEROOR
2. STATE OF KERALA REPRESENTED BY THE
S.I. OF POLICE, THIRUVALLA.

R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL REVISION CASE HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.UBAID, J.
~~~~~  
**Crl.R.C No.1 of 2015**  
~~~~~  
Dated this the 13th February, 2015

ORDER

This suo motu revision was registered on the report of the learned Sessions Judge, Pathanamthitta. A case involving the offences under Sections 279 and 337 of Indian Penal Code, wherein, the victim of accident is a juvenile was wrongly committed to the Court of Session by the learned Judicial First Magistrate-I, Thiruvalla. This fact was reported by the learned Sessions Judge, with request to quash the committal order. The position is covered by a decision of this Court in **Abdul Aziz v. Circle Inspector of Police [2011 (4) KLT 1003]**. That is a case where the learned Magistrate simply transferred the case to the Special Court on the ground that the victim was aged below 18 years. The offences involved in that case were under Sections 279 and 304A I.P.C. This Court held that such cases will not come under the Protection of Child Rights Act, 2005. Even if the victim in an accident case is aged below 18 years, such cases registered under Sections 279, 337, 338 or 304A

I.P.C need not be tried by the Special Court for the trial of offence against children under the Protection of Child Rights Act, 2005. I do not find any reason for a different view. The committal order will have to be quashed and the case will have to be tried by the learned Magistrate having jurisdiction.

In the result, this Criminal Revision Case is disposed of as follows:

(a) The committal order passed by the learned Judicial First Class Magistrate -I, Thiruvalla in S.T 1242 of 2007 will stand quashed.

(b) The learned Sessions Judge, Pathanamthitta will re-transmit the records of the case to the learned Magistrate immediately.

(c) The learned Magistrate will proceed for trial of the case according to law after giving summons to the accused.

**Sd/-
P.UBAID
JUDGE**

ma

/True cop/

P.S to Judge