



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION(MD)No.26 of 2015

and

M.P(MD)No.1 of 2015

Alangiyam

.. Petitioner

Vs.

1.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

2.The Inspector of Police,
Somarasampettai Police Station,
Trichy District.

.. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents to produce the person or body of the detenu by name Naruvuliraj, Son of Govindasamy, aged about 34 years, now confined at Trichy Central Prison before this Court and set him at liberty by setting aside the life conviction and sentence, dated 12.08.2002 imposed against the detenu in Sessions Case No.143 of 2001 by the I-Additional District and Sessions cum Chief Judicial Magistrate Court, Tiruchirappalli and confirmed by the Division Bench of this Court in Criminal Appeal.No.1738 of 2002, dated 30.08.2006 and pass such further or other orders.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Mohan
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.SELVAM, J)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to set aside the conviction and sentence passed in Sessions Case No.143 of 2001 by the I-Additional District and Sessions cum Chief Judicial Magistrate Court, Tiruchirappalli, confirmed in Criminal Appeal.No.1738 of 2002 by this Court.

2. It is stated in the petition that the grandson of the petitioner by name Naruvuliraj has been shown as fourth accused in Sessions Case No.143 of 2001 and the alleged occurrence has taken place on 02.02.1999 and fourth accused has got birth on 03.05.1981 and on the date of occurrence, he has not completed 18 years of age. Under the said



circumstances, he is entitled to get benefits available under the Juvenile Justice (Care and Protection of Children) Act, 2000.

3. On the basis of the relief sought for in the present petition, a report has been called for from the concerned trial Court with regard to age of the fourth accused on the date of commission of offences and accordingly, the trial Court has conducted a detailed enquiry and ultimately found that the fourth accused has got birth on 03.05.1981.

4. It is an admitted fact that the occurrence has taken place on 02.02.1999. Since the fourth accused has got birth on 03.05.1981, he has not completed 18 years of age.

5. Since the fourth accused has not completed 18 years of age, the benefits mentioned in the Juvenile Justice (Care and Protection of Children) Act, 2000 can easily be extended to the fourth accused. Under the said circumstances, the present Habeas Corpus Petition is liable to be allowed.

6. In fine, this Habeas Corpus Petition is allowed and the fourth accused viz., Naruvuliraj is ordered to be set at liberty forthwith. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Principal District and Sessions Judge,Trichy.
 - 2.The I-Additional District and Sessions Judge-cum-Chief Judicial Magistrate, Tiruchirappalli.
 - 3.The Judicial Magistrate No.VI, Trichy.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
 - 5.The District Collector, Trichy.
 - 6.The Joint Secretary to Govt.,
Public (Law & Order), Fort St.George,
Chennai - 600 009.
 - 7.The Director General of Police,Chennai - 4.
 - 8.The Commissioner of Police,Trichy.
 - 9.The Superintendent of Prison,
Trichy Central Prison,Trichy.(in duplicate to communicate the detenu)
 - 10.The Inspector of Police,
Somarasampettai Police Station,Trichy District.
 - 11.The Secretary to Government,
Home and Prohibition and Excise Department,
Fort St.George,Chennai - 9.
- +1cc to Mr.R.Alagumani, Advocate SR.No.11779

ORDER MADE IN

H.C.P (MD) No.26 of 2015

10.03.2015