



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.557 of 2015

Packiyam

..Petitioner

Vs.

1.The Inspector of Police,
Sankarankoil Taluk Police Station,
Tirunelveli District.
(Crime No.41 of 2005)

2.The Superintendent of Central Prison,
Palayamkottai,
Tirunelveli District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to quash the sentence awarded in S.C.No.227 of 2005, dated 18.08.2006 on the file of Ist Additional Sessions Judge, Tirunelveli and confirmed in Criminal Appeal No.368 of 2006, dated 07.01.2008 and set at liberty the petitioner's son Lakshmanan, S/o.Mariappan, detained in Central Prison, Palayamkottai.

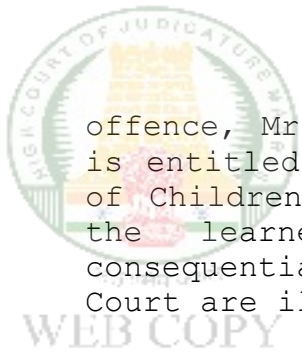
For Petitioner : Mr.S.Durairaj
For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by S.NAGAMUTHU,J]

The petitioner is the mother of one Mr.Lakshmanan. And wife of Mr.Mariappan, who are arrayed as accused Nos. 2 and 1 respectively in S.C.No.227 of 2005 on the file of the I-Additional Sessions Judge, Tirunelveli. By judgment dated 18.08.2006, the learned Additional Sessions Judge, Tirunelveli convicted him under Sections 302 and 326 IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.10,000/- in default to undergo Rigorous Imprisonment for six months for the offences under Section 302 IPC and to undergo Rigorous Imprisonment for 5 years and to pay a fine of Rs.3,000/- in default to undergo Rigorous Imprisonment for three months. Challenging the said conviction of sentence, Mr.Lakshmanan filed an appeal in C.A.(MD).No.368 of 2006. By judgment dated 07.01.2008, a Division Bench of this Court dismissed the said appeal, thereby confirming the conviction and sentence imposed on Mr.Lakshmanan. Thus, as a life convict, he is undergoing imprisonment in Central Prison, Palayamkottai.

2. While so, the petitioner filed the present Habeas Corpus petition in H.C.P.(MD).No.557 of 2015, seeking to set aside the said conviction and sentence imposed on Mr.Lakshmanan and to set him at liberty on the allegation that on the date of the commission of the



offence, Mr.Lakshmanan was a juvenile in conflict with law and hence, he is entitled for the benefit of the Juvenile Justice (Care and Protection of Children) Act, 2000. It is further contended that the trial held by the learned I-Additional Sessions Judge, Tirunelveli and the consequential sentence imposed which came to be confirmed by the High Court are illegal.

3. This Court, issued a direction to the learned I-Additional District and Sessions Judge, Tirunelveli to hold an enquiry and submit a report in respect of the age of Mr.Lakshmanan. Accordingly, the learned I-Additional District and Sessions Judge, Tirunelveli has submitted the report in this regard under D.No.12413 of 2015, dated 08.09.2015. In the said report, of course, the learned Sessions Judge opined that as on the date of commission of the offence Mr.Lakshmanan was a juvenile.

4. Thereafter this Habeas Corpus Petition was listed on several dates for hearing. We heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the records carefully. Though the learned I-Additional District and Sessions Judge, Tirunelveli has opined that Mr.Lakshmanan has not completed 18 years of age, this Court, during the course of hearing, found that such opinion is not correct. Therefore, this Court invited the learned counsel to argue the Habeas Corpus Petition so as to establish that as on the date of commission of the crime, Mr.Lakshmanan was a juvenile in conflict with law. The learned counsel took time and ultimately, today he has not pressed this Habeas Corpus Petition stating that Mr.Lakshmanan was not a juvenile in conflict with law on the date of commission of the offence. He has made an endorsement to that effect.

5. Recording the same, this Habeas Corpus Petition is dismissed as not pressed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Ist Additional District and Sessions Judge,
Tirunelveli.

2.The Inspector of Police,
Sankarankoil Taluk Police Station,
Tirunelveli District.

3.The Superintendent of Central Prison,
Palayamkottai,
Tirunelveli District.

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

+1cc to M/s.S.DuraiRaj, Advocate in SR.No.59709