

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.11552 of 2015

R.Samraj ... Petitioner

Vs

1.State rep.by
The Inspector of Police,
Pennadam Police Station,
Cuddalore District.

2.V.Muruganandham

3.A.Balaguru ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to Crime No.1 of 2005 on the file of the 1st respondent and quash the same.

For Petitioner	:Mr.S.Ramajayam
For Respondents	:Mr.C.Emalias, [for R1] Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.1 of 2005 on the file of the respondent-Police.

2. Heard Mr.S.Ramajayam, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. On the complaint given by Muruganantham, the respondent-Police registered a case in Crime No.1 of 2005 for the offences under Section 294, 341, 323, 324, 307 IPC against (1) Balaguru and (2) Samraj, the petitioner herein, in respect of an incident that is said to have taken place on 06.01.2005, in which it is alleged that the said Balaguru and Samraj attacked Muruganantham and Veeramuthu. On the date of the incident i.e., on 06.01.2005, Samraj was a juvenile.

4. The Police conducted investigation in Crime No.1 of 2005 and filed a final report against Balaguru for the aforesaid offences. The case was committed to the case of Sessions in S.C.No.269 of 2005 and Balaguru was acquitted by the learned Principal Assistant Sessions Judge, Virudhachalam, on 23.11.2006. Since Samraj was a juvenile, the police had not filed the final report before the Juvenile Justice Board, Cuddalore, immediately.

5. The learned Additional Public Prosecutor submitted that when the Police submitted the final report against Samraj before the Juvenile Justice Board, the same is not being received by the learned Magistrate of Juvenile Justice Board, Cuddalore. The learned Additional Public Prosecutor also produced a photocopy of the charge sheet, which contains the Court seal.

6. The fact remains that Balaguru in this case has been acquitted and the trial against this petitioner is an empty formality which he has to undergo.

7. Therefore, this Court directs the respondent-Police to file the final report before the Juvenile Justice Board, Cuddalore, and the Juvenile Justice Board, Cuddalore is directed to take the case on file and complete the case within three months from the date of receipt of the final report.

With the above direction, this Criminal Original Petition is closed.

27.07.2016
(2/2)

ds

Note : Registry is directed to mark a copy of this order to the Juvenile Justice Board, Cuddalore.

To

- 1.The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
- 2.The Juvenile Justice Board
Cuddalore.
- 3.The Public Prosecutor,
High Court, Chennai.

P.N.PRAKASH,J

ds

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