



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.09.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P(MD)No. 1122 of 2016

Amaravathi

.. Petitioner

vs.

1. The State of Tamil Nadu rep. By
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District
Crime No.62/1986

2. The Superintendent of Central Prison
Central Prison, Madurai-625 016.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus to quash the sentence awarded in S.C.No.222/1986 dated 23.09.1987 on the file of the Additional Sessions Court of Ramnad District at Madurai and consequently to set the detainee Muniyasami son of Subbiah, aged about 47/2016 years presently detained in Central Prison, Madurai with C.P.No.LCT 1956, at liberty forthwith by granting the benefit of juvenility.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A.Ramar

Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the mother of one Muniyasami, who is a convict undergoing life imprisonment as per the judgment of the Additional Sessions Judge, Ramanathapuram. The conviction is upheld by a Division Bench in CrI.A.No.631/1987. The convict was dealt with as an adult and that is why he was tried and convicted. Now, the petitioner has come up with this petition alleging that the date of birth of the convict is only 12.01.1969 and thus, as on the date of committing of the crime, he is a juvenile and he is entitled to get the benefit under the Juvenile Justice (Care and Protection of Children) Act, 2000.

2.We have heard the learned counsel for the petitioner and the



learned Additional Public Prosecutor for the respondents.

3. In support of the claim, the petitioner has produced a birth certificate issued by the Additional Deputy Tahsildar, Tuticorin, which was issued on 03.08.2015. A perusal of the same would go to show that the entry of the date of birth in the register entry was on 30/06/2015, whereas according to the petitioner, birth was on 12.01.1969. It appears that on the order of a Magistrate, the date of birth has been entered in the register, after several years of conviction. This has been done obviously with a view to get the benefit under the Juvenile Justice (Care and Protection of Children) Act. Since we find that the said entry of the Deputy Tahsildar in the birth certificate has been made, after about 46 years, we cannot attach any importance to the same. Thus, we do not find any material on record to accept the claim of the petitioner that the convict was a juvenile. Therefore, the petition is dismissed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District
2. The Superintendent of Central Prison
Central Prison, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.ANAND, ADVOCATE IN SR No. 53034

RR

TE/GSV-PM : 27/09/2016 : 2P/5C

HCP. (MD) No. 1122 of 2016
15.09.2016