

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

CrI.OP.No.2791 Of 2017
and
CrI.M.P. No.1971 of 2017

Ramachandran

.. Petitioner

Vs

1.State, Represented by,
The Inspector of Police,
Udhayarpalayam Police Station,
Ariyalur District.

2.Malarkodi .. Respondents

This petition filed under Section 482 of Cr.P.C., praying to quash the proceedings in J.C.No.9 of 2016 pending before the Juvenile Justice Board, Ariyalur District.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent-1: Mr.P.Govindarajan, APP

For Respondent-2: Mr.C.Prabakaran

O R D E R

By a final report dated 27.06.2003, the petitioner along with one Adhimoolam was charged under Sections 294(b), 324 and 354 IPC. Since the petitioner was juvenile on the date of the incident, the case was split up and referred to the Juvenile Justice Board, Ariyalur District in J.C.No.9 of 2016 and summon was issued to the petitioner on 13.07.2016. The present petition has been filed to quash the said proceedings before the Juvenile Justice Board, Ariyalur.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the first respondent and learned counsel for the second respondent.

3.The case of the prosecution is that the petitioner along with other accused had abused one Malarkodi with vulgar words on

14.04.2003 and cut her with sickle on the head and right elbow and hence, the petitioner was charged with the aforesaid offences.

4.The learned counsel for the petitioner submitted that the petitioner herein was juvenile on the date of the occurrence i.e., on 14.04.2003. He submitted that the de-facto complainant had given her statement on the same day, based on which, a case was registered in Cr.No.164 of 2003 on 26.04.2003 against the petitioner and subsequently, the charge sheet was filed on 15.05.2003. He further submitted that though the case was split up in the year 2003 itself, the same was taken on file by the Juvenile Justice Board in J.C.No.9 of 2016 only after a long gap of 13 years which is impugned in the present petition. He contended that the present case pending before the Juvenile Justice Board, Ariyalur is liable to be quashed on the ground of inordinate delay in taking the same on file.

5.I have perused all the evidence available on record in support of the charge sheet. On a perusal of the statements given by the witnesses under Section 161(3) of the Criminal Procedure Code, it is seen that all the statements were obtained on 26.04.2003 itself. Though the charge sheet was laid on 15.05.2003 and the case was split up in the year 2003, the same came to be taken up only on 19.02.2016 i.e., after a huge delay of 13 years by the Juvenile Justice Board, Ariyalur. There is no justifications and explanation for the delay in taking the petition on file which would be fatal to the prosecution's case. Therefore, in my considered view, the proceedings in J.C.No.9 of 2016 on the file of the Juvenile Justice Board, Ariyalur is liable to be quashed.

6.In view of the above reasonings, the proceedings in J.C.No.9 of 2016 on the file of the Juvenile Justice Board, Ariyalur is quashed. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Juvenile Justice Board,
Ariyalur District.
2. The Inspector of Police,
Udhayarpalayam Police Station,
Ariyalur District.
3. The Public Prosecutor
High Court, Madras.

+ 2 cc to M/s.P.Sesubalan Raja, Advocate, SR.48747

+ 1 cc to M/s.C.Prabakaran, Advocate, SR.48876

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KGK(CO)
NR 09/08/2017



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