



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE **P. N. PRAKASH**

CRL.O.P. (MD) No. 2348 of 2017

and

Crl.M.P. (MD) Nos. 1841 and 1842 of 2017

Sivapatha Muthu

: Petitioner/Accused

-Vs-

The State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(In Crime No. 406/2010)

: Respondent/Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to transfer the case in J.C.No.12 of 2013 from the file of the Juvenile Justice Board, Virudhunagar, Virudhunagar District, to the file of the Juvenile Justice Board, Tirunelveli, Tirunelveli District or any other competent Court.

For Petitioner
For Respondent

: Mr. SM. Anantha Murugan
: Mr. K. Anbarasan
Government Advocate (Crl. side)

ORDER

The petitioner is a juvenile and is facing trial in J.C.No.12 of 2013 before the Juvenile Justice Board, Virudhunagar for the offences under Sections 366(A), 397 I.P.C. r/w 392 and 354 I.P.C. r/w Section 4 of TNWH Act r/w 34 I.P.C. It is the case grievance of the petitioner that the Juvenile Justice Board is not taking of his case for disposal expeditiously. Therefore, he has filed the above petition for transfer of the case from the Juvenile Justice Board, Virudhunagar to any other competent Court.

2. This Court called for report from the Juvenile Justice Board, Virudhunagar, pursuant to which the Principal Magistrate, Juvenile Justice Board, Virudhunagar has set a report dated 21.03.2017 wherein he has stated as follows:

"I humbly submit that the JC 12/13 case was taken on file on 28.02.2011 before the Madurai Juvenile Justice Board. The witnesses of P.W.1, P.W.2 already examined in Madurai Juvenile Justice Board on 07.12.12. After Constitution of Virudhunagar Juvenile Justice Board, this case is transferred from Madurai Juvenile Justice Board on 09.05.2013. The witnesses of P.W.3 to 5 and P.W.6 and



P.W.7 examined on 09.10.2015 and 04.11.2015 and 09.03.2016 respectively. And also, this case posted on 01.04.2016 for examination other witnesses. I submit that on 01.04.2016, the JCL present and stated that he is studying Twelfth and asked for further time for appearance and therefore this case is posted to 20.05.2016. From 20.05.2016, the JCL is continuously absent till 02.09.2016. Neither the JCL nor the counsel of JCL was present from 20.05.2016 to 02.09.2016. Therefore, this case could not be proceeded in the absence of JCL as well as his counsel. I humbly submit that this case is posted on 26.10.2016, 23.12.2016, 18.01.2017, 20.01.2017 and 08.02.2017 respectively. The JCL is continuously absent for the above said hearings and this case is posted on 22.03.2017 for appearance of JCL."

3. From the reading of the above report, it is clear that it is the petitioner who has adopted dilatory tactics by not appearing before the Juvenile Justice Board, but strangely he is making allegations against the members of the Board. Under these circumstances, this is not a fit case to transfer the proceedings as prayed for by the petitioner. Hence, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Juvenile Justice Board, Virudhunagar,
Virudhunagar District.
 2. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to M/S.SM.Anantha Murugan Advocate SR.No.18920

CRL.O.P.(MD) No.2348 of 2017

Dated: 27.03.2017