



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.5267 of 2017

WEB COPY

Minor Karthickrajan
represented by his father
and natural guardian
Angusamy.

: Petitioner / Accused No.4

-Vs-

State rep by
The Inspector of Police,
Mathur Police Station
Pudukottai District.
(In Cr.No.26 of 2017)

: Respondent / Complainant

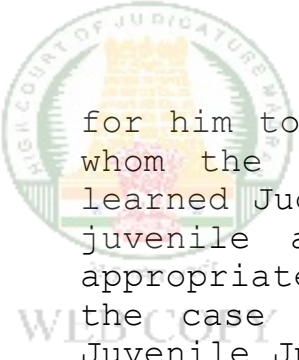
PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to direct the Juvenile Justice Board, Pudukottai, Pudukottai District to consider of the bail application on the surrender of the petitioner / 4th Accused in connection with Crime No.26 of 2017, pending investigation on the file of the respondent on merits on the same day.

For Petitioner	: Mr.P.Ganapathi Subramanian for Mr.G.Kandha Vadivelan
For Respondent	: Mr.A.P.Balasubramani Government Advocate (Crl.side)

ORDER

The petitioner is the accused along with others in Crime No.26 of 2011 for offences under Sections 147, 148, 341, 294(b), 324 and 506(ii) I.P.C.. All the accused including this petitioner filed Cr.M.P.No.353 of 2017 before the learned District Principal sessions Judge, Pudukottai for Anticipatory Bail under section 438Cr.P.C., in Crime No.26 of 2017 and by order dated 04.04.2017, the Learned Sessions Judge was pleased to grant the relief of Anticipatory Bail to the petitioner. Now, it is the contention of the petitioner that he is a juvenile and his date of birth is 08.01.2001 and therefore he has filed the present petition with the above prayer.

2. In the considered opinion of this Court, this petition is not maintainable in the light of the law laid down by this Court in *K.Vignesh Vs. State* (Crl.O.P.(MD)No.22361 of 2015, dated 27.04.2015). However, if it is the case of the petitioner that if he is juvenile as on the date of commission of offence, it is open



for him to appear before the Judicial Magistrate, Keeranur before whom the case in Crime No. 26 of 2017 is pending and if the learned Judicial Magistrate is satisfied that the petitioner was a juvenile at the time of commission of offence, he may pass appropriate orders by directing the respondent police to split up the case against the petitioner and prosecute him before the Juvenile Justice Board, Pudukottai.

3. With the above observations, this Criminal Original Petition is closed. The petitioner shall file an application before the learned Judicial Magistrate, Keeranur within a period of one month from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AD II)

/True Copy/

Sub Assistant Registrar

1.The Inspector of Police,
Mathur Police Station
Pudukottai District.

2.The Judicial Magistrate,Keeranur.

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

+5cc to Mr.G.Kandhavadivelan,Advocate,SR.54588

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SSL/TSG

kk/SV/SAR4-11.05.2017-2P-9C