

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.39 of 2018

and

CrI.M.P.No.257 of 2018

S.Rajeshkumar

S/o.Seenu

.. Petitioner

Vs.

1.State represented by
Station House Officer,
Ulundurpettai Police Station,
Villupuram District.
Crime No.471 of 2013.

2.The Superintendent of Police,
Villupuram District,
O/o. The Superintendent of Police,
Villupuram.

.. Respondents

Criminal Revision filed under Sections 397 and 401
Cr.P.C. against the judgment of learned I Additional District
Munsif cum Judicial Magistrate I, Ulundurpettai, Villupuram
District, passed in C.C.No.12 of 2014 on 11.03.2014.

For Petitioner : Mr.S.Vediappan

For Respondents: Mr.V.Arul

Additional Public Prosecutor

O R D E R

This revision arises against the judgment of learned I
Additional District Munsif cum Judicial Magistrate I,
Ulundurpettai, Villupuram District, passed in C.C.No.12 of 2014
on 11.03.2014.

2. Petitioner faced trial in C.C.No.12 of 2014 on the file
of learned I Additional District Munsif cum Judicial Magistrate
I, Ulundurpettai, Villupuram District, for offences u/s.294(b),
353, 355 and 506(i) IPC. C.C.No.12 of 2014 arose out of an
incident said to have taken place on 15.10.2013. Trial Court,
under judgment dated 11.03.2014, had acquitted petitioner giving
him the benefit of doubt.

3. Learned counsel for petitioner submits that petitioner's
date of birth is 26.06.1996 as may be seen through the SSLC

Certificate issued in March 2011 under No.9501690. Learned counsel submits that petitioner ought not to have been tried in the case in C.C.No.12 of 2014 and ought to have been tried as a Juvenile. Petitioner did not realise the consequence of his having been tried in the case and that despite an order of acquittal in his favour, the same could be an impediment to his selection in any Government job. Petitioner had been selected as a Grade II Constable but owing to the judgment in C.C.No.12 of 2014, second respondent has held him ineligible for appointment.

4. Heard learned Additional Public Prosecutor on the above submissions.

5. The decision of the Apex court in Shah Nawaz vs. State of Uttar Pradesh [AIR 2011 SC 3107] explains that Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, describes four categories of evidence which may be provided as also the order of preference. A reading of Rule 12 makes clear that the matriculation or equivalent certificate has been given the pride of place. The question of juvenility can be raised at any stage. Petitioner produced proof of his having been a juvenile on the date of occurrence giving rise to C.C.No.12 of 2014, by way of Secondary School Leaving Certificate. Therefore, the entire trial against petitioner is vitiated. While so, there is absolutely no difficulty in coming to the aid of petitioner to remove the impediment standing in his way of gainful public employment by informing that his acquittal in C.C.No.12 of 2014 shall be read as honourable acquittal.

The Criminal Revision Case accordingly is ordered. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gm

To

1.The I Additional District Munsif cum Judicial Magistrate I,
Ulundurpettai, Villupuram District.

2. Do Thro The Chief Judicial Magistrate, Villupuram

3.The Station House Officer,
Ulundurpettai Police Station,
Villupuram District.

4.The Superintendent of Police,
Villupuram District,
O/o. The Superintendent of Police,
Villupuram.

5.The Additional Public Prosecutor,
High Court, Madras - 600 104.

+1cc to Mr.S.Vediappan, Advocate Sr.No.2744

MG(CO)
sm:15.2.2018

Crl.R.C.No.39 of 2018



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