



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2018**

CORAM:

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

Crl.R.C. (MD) No.116 of 2018

Sneha,
D/o.Panchavarnam,
Minor represented by
Panchavarnam,
Mother and Natural Guardian. : Petitioner/Accused
Vs.

State Rep. by
The Inspector of Police,
Bazar Police Station,
Ramanathapuram. : Respondent/Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the records pertaining to the impugned order passed in Cr.M.P.No.7 of 2018 in J.C.No.36 of 2017, dated 17.01.2018 on the file of the Juvenile Justice Board, Ramanathapuram and set aside the same.

For Petitioner : Mr.R.Murugan
For Respondent : Mrs.S.Bharathi,
Government Advocate (Crl.side)

ORDER

On the complaint lodged by Divya, the respondent police registered a case in Crime No.62 of 2017 on 07.02.2017 under Section 174 of the Code of Criminal Procedure. It is the case of Divya that she left her minor daughter Harithra in the care and custody of her relative Anitha and went for work on 07.02.2017 around 08.00 a.m., in the morning. When she came back around 02.00 p.m., she did not find Harithra at home. When she asked Anitha, she was told that Harithra was taken by Sneha and that she was playing with her. When Divya asked Sneha, she gave evasive replies. Divya and her neighbours started searching for Harithra and ultimately, the body of Harithra was found in a Well without her silver anklets. On suspicion that Sneha must have committed the murder for gain, her name was included in the First Information Report. After completing the investigation, the police have filed a final report on 20.04.2017 under Sections 363, 379 and 302 of the Indian Penal Code before the Juvenile Justice Board, Ramanathapuram, since Sneha was a juvenile as on the date of commission of the offence, namely 07.02.2017. The Juvenile Justice Board referred Sneha to the Government Rajaji Hospital for psychological evaluation. The Government Rajaji Hospital, Madurai conducted a psychological evaluation of Sneha and has given a report dated 27.05.2017, wherein it is stated that she has an IQ of 90, indicating average intellectual capacity and that she has



an extroverted personality and does not have any major psycho pathology at present. Thereafter, the Juvenile Justice Board conducted further enquiry under Section 15(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 by interviewing Sneha. On a reading of the answers given by Sneha to the member of the Juvenile Justice Board, this Court is able to infer that she is a person of good understanding and comprehension. Therefore, the Juvenile Justice Board has referred the case to the Children's Court under Section 18 of the Juvenile Justice (Care and Protection of Children) Act, 2015, for further proceedings by the impugned order dated 17.01.2018, challenging which, Sneha is before this Court.

2. Mr.R.Murugan, learned counsel appearing for Sneha submitted that Sneha continues to be a Juvenile and she should be tried only by a Juvenile Justice Board.

3. Per contra, the learned Government Advocate (Criminal side) submitted that the Juvenile Justice Board has conducted enquiry and has found that the case of Sneha should be referred to the Children's Court under Section 18(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and this finding is based on substantial evidence.

4. This Court gave its anxious consideration to the rival submissions.

5. On a reading of the proceedings of the Juvenile Justice Board and the report of the Government Rajaji Hospital, this Court is of the view that the Juvenile Justice Board had taken into consideration all the relevant factors before deciding to refer the case to the Children's Court under Section 18(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Under such circumstances, there is no infirmity in the order passed by the Juvenile Justice Board, Ramanathapuram. A reading of Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2015 shows that the Children's Court can also pass appropriate orders under the provisions of Sections 19 and 21 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, there cannot be any prejudice for the trial to be conducted by the Children's Court. In such view of the matter, this Court is of the view that this is not a fit case to interfere in the order passed by the Court below.

6. In the result, this Criminal Revision Case is devoid of merits and the same is, accordingly, dismissed.

Sd/-

Assistant Registrar(AE)



To

1. The Principal Magistrate,
Juvenile Justice Board,
Ramanathapuram.
2. The Inspector of Police,
Bazar Police Station,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

VB/KKR/SAR4/15/03/2018/3P/4C

Order made in
Cr1.R.C. (MD) No.116 of 2018
28.02.2018