



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.3070 of 2019
and Crl.MP(MD) No.1705 & 1706 of 2019

R.Sembarithi ... Petitioner /Accused No.2

/Vs./

1.The State, rep by its
Inspector of Police
Karur Town Police Station
Karur District.
(Cr.No.324 of 2016)

... Respondent / Complainant

2.K.Mythili ... Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the charge sheet in Calendar Case No.J.C.C.4 of 2019 on the file of the Juvenile Justice Board, Karur, U/s.294(b), 323, 506 (ii) of IPC and Section 4 of Tamil Nadu Women Harassment Act 2002 and quash the same as illegal regarding the petitioner.

For Petitioner : Mr.T.Thirumurugan

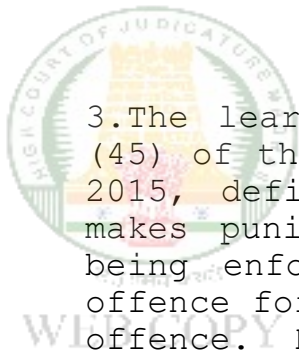
For Respondent-1 : Mr.A.P.G.Ohm Chairma Prabhu
Govt. Advocate (Crl. Side)

: Mr.K.P.S.Palanivel Rajan
(Amicus Curiae)

ORDER

The present petition is filed to quash the Calendar Case pending in J.C.C.No.4 of 2019 on the file of the Juvenile Justice Board, Karur.

2.The First Information Report was registered on 04.04.2016 accusing the petitioner, who was then juvenile for the offences under Sections 294(b), 323 and 506(i) IPC r/w. Section 4 of Tamilnadu Prohibition of Harassment of Women Act. The occurrence is said to have been taken place on 03.04.2016.



3.The learned counsel for the petitioner submitted that Section 2 (45) of the Juvenile Justice (Care and Protection of Children) Act, 2015, defines a petty offence to include any offences for which makes punishment in Indian Penal Code or any other law for time being enforced is imprisonment upto 3 years. Viewed thus, the offence for which the present petitioner faces trial will be a petty offence. He then proceeded to state that under Section 14(2) of the Act, the enquiry against juvenile shall be completed within a period of 4 months from the date of his production before the Juvenile Justice Board and the period can be extended being a maximum of another 2 months by the Board depending upon the circumstances compelling such extension provided the Juvenile Justice Board records its reason for granting such an extension.

4. In this case, the learned counsel for the petitioner argued that the petitioner was produced before the Board on 06.04.2016 and even if the extended period has to be reckoned an entire enquiry should have been completed by 06.10.2016.

5.The learned counsel for the petitioner argued that Section 14(4) of the said Act provides that in cases of petty offence, if the enquiry remains inconclusive even after the extended period, the proceedings should stand terminated.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side), who concurred with the date of production of juvenile before th Board.

7. The argument of the learned counsel for the petitioner explains the state of affairs of its own. It is unfortunate that despite a statutory mandate, the Juvenile Justice Board could not complete its enquiry into this. When enquiry is not concluded within the time provided under Section 14(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the proceeding should stand terminated.

8. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

CM/ds

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The Officer-in-Charge,
Juvenile Justice Board, Karur.
2. The Inspector of Police
Karur Town Police Station
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-53475[F] dated 13/03/2019

Crl.O.P. (MD)No.3070 of 2019
12.03.2019

JMN(01.10.2019) 3P : 5C