



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.(MD) .No.1935 of 2018

and

CRL.M.P(MD)No.836 of 2018

Ponvasanth

... Petitioner/Juvenile Conflict
with law/Accused No.1

Vs.

The State Rep.By,
The Inspector of Police,
Elayirampannai Police Station,
Virudhunagar District.
(Crime No.91 of 2015)

... Respondent/Respondent/
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order passed by the Juvenile Justice Board, Virudhunagar, in letter No.148 of 2017, dated 19.04.2017.

For Petitioner : Mr.G.Marimuthu

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash the letter No.148 of 2017, dated 19.04.2017 issued by the Juvenile Justice Board, Virudhunagar.

2.The learned counsel for the petitioner would submit that due to previous motive, the petitioner and other accused persons assaulted the defacto complainant's brother and caused death. Therefore, the defacto complainant lodged a complaint as against the accused persons. The case was registered in Crime No.91 of 2015 on the file of the respondent police. The petitioner is arrayed as accused No.1. After completion of enquiry, the respondent police filed a final report before the learned Judicial Magistrate No.I, Sattur. The learned Magistrate after coming to the conclusion that the petitioner is a juvenile, he has not attained the age of 18 at



the time of occurrence, the learned Magistrate directed to send the case papers to the Juvenile Justice Board, Virudhunagar without committing the case to the Sessions Court for trial.

3. The learned counsel for the petitioner would further submit that the Juvenile Justice Board received the case papers, without conducting the case, on 19.04.2017 has written a letter to the Judicial Magistrate No.I, Sattur and sent the case papers. Thereafter, the learned Judicial Magistrate No.I, Sattur received the case file from the Board and committed the case to the Principal Sessions Court, Virudhunagar District at Srivilliputhur for trial. The case is pending before the Sessions Court in S.C.No.131 of 2017.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. This Court does not find any irregularity or infirmity in the order passed by the Juvenile Justice Board, Virudhunagar, dated 19.04.2017, in letter No.148 of 2017.

6. Now the trial is pending before the Sessions Court, Srivilliputhur, Virudhunagar District.

7. Taking note of the facts and circumstances of the case and also the case is of the year 2017, the learned trial Judge is directed to complete the trial in S.C.No.131 of 2017 and to decide the issue that on the date of occurrence, the petitioner is juvenile or not on the basis of school certificate and the birth certificate and proceed further in accordance with law within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate No.I, Sattur.

2. The Principal Sessions Judge,
Virudhunagar District at Srivilliputhur.



3.The Inspector of Police,
Elayirampannai Police Station,
Virudhunagar District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-86422[F] dated 13/09/2019

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JMN(27.09.2019) 3P : 6C