



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.3268 of 2015

and

MP(MD)No.1 of 2015

Madurai Children's Aid Society,
Madurai Juvenile Observation Home,
Rep.by its Honorary Secretary Palaniyappan,
Kamarajar Road,
Madurai City.

... Petitioner / Accused NO.2

Vs.

Syed Ibrahim

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in J.C No.177 of 2014 on the file of the Juvenile Justice Board, Madurai and to quash the same insofar as the petitioner.

For Petitioner : Mr.N.S.Ponnaiah

For Respondent : Mr.S.Sukumar

ORDER

The respondent herein is the father of a juvenile who is in conflict with law. He was detained in the observation home run by the petitioner society. The respondent's son along with few others had escaped from the said home on 02.12.2014 by breaking open the window grill. In order to secure the ten boys including the son of the respondent, the Secretary of the petitioner society Thiru.Palaniyappan gave a complaint before the local police station. Since the escape of as many as 10 boys who are in conflict with law from the observation home is a newsworthy item, Malai Murasu had published the same. Unfortunately, in the daily, the details of the juveniles were also published along with their photographs. Hence, the respondent initiated proceedings before the Juvenile Justice Board under section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (the Act then in force). The Secretary of the petitioner society has been shown as the second respondent. To quash the said proceedings, this criminal original petition has been filed.

2.Heard the learned counsel on either side.

3.The learned counsel appearing for the respondent submitted that the offending publication is clear violation of the statutory mandate set out in Section 21(3) of the said Act. After the offending publication was made, the respondent went to the office of Malai Murasu Daily and enquired and came to know that the details were furnished by the petitioner herein and the Inspector of Police (Law and Order), Madurai City. That is why, they have been shown as R2 and R3 in the impugned proceedings. He therefore wanted this



Court to dismiss this petition

4. Section 21(1) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 reads as follows :

"21.(1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law or a child in need of care and protection under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile or child nor shall any picture of any such juvenile or child be published:

Provided that for reasons to be recorded in writing, the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile or the child."

5. Therefore, the details of the photographs of the juveniles in conflict with law could not have been published. But then, in this case, the question that arose for consideration is whether the petitioner herein could be roped in, in the impugned proceedings. The petitioner was in charge of the care and custody of the juveniles in conflict with law. They had escaped from the observation home. In order to secure them, the petitioner lodged a complaint with the local police station. For doing so, the petitioner cannot be blamed. The publisher concerned was obliged not to have disclosed the names of the concerned juveniles. If the publisher had disclosed the names of the juveniles and also published their photographs, the petitioner cannot be faulted.

6. Therefore, it is only just and proper that the impugned proceedings are confined only against the concerned publisher. In this view of the matter, the impugned proceedings stand quashed as far as the petitioner is concerned. This criminal original petition stands allowed. Since the case of the year 2014, the Juvenile Justice Board is directed to complete the enquiry on merits and in accordance with law against Malai Murasu in which the offending publication was made, within a period of three months from the date of receipt of a copy of this order. The learned counsel appearing for the petitioner undertakes before this Court that the petitioner will appear as a witness in the matter and cooperate with the enquiry.

7. The criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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To

The Juvenile Justice Board, Madurai.

+1 CC to M/s.PONNAIAH, Advocate (SR-92169[F] dated 16/10/2019)

+1 CC to M/s.S.SUKUMAR, Advocate (SR-92309[F] dated 17/10/2019)

Cr1 OP (MD) No.3268 of 2015**and****MP (MD) No.1 of 2015****15.10.2019****SMA/24/03/2020/3P/4C**