



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.04.2021**

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

CrI.O.P.(MD)No.2424 of 2021

Sriram

...Petitioner

/Vs./

The State rep. by
The Sub-Inspector of Police,
Thiruverumbur Police Station,
Trichy City.
(Crime No.453 of 2016)

...Respondent

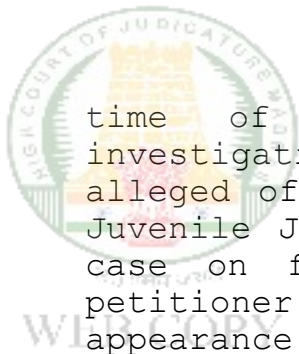
Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the Juvenile Justice Board, Trichy to entertain the petition filed by the petitioner U/s.252 of Cr.P.C. seeking plea of guilty in C.C.No.13 of 2020 and dispose the same within a stipulated time as fixed by this Court.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed seeking a direction to direct the Juvenile Justice Board, Trichy to entertain the petition filed by the petitioner under Section 252 of Cr.P.C. seeking plea of guilty in C.C.No.13 of 2020 and dispose the same within a stipulated time as fixed by this Court.

2. The case of the prosecution is that on 15.06.2016, the respondent Police registered a case against the petitioner in Crime No.453 of 2016 for the alleged offence under Sections 297 & 337 of IPC on the basis of the complaint lodged by one Prabhu. The crux of the complaint was that on 11.06.2016 at about 7.30 p.m., the complainant's father Sundarraj after purchasing grocery items, was walking along the Trichy to Thanjavur Road, at that time, the petitioner came in a Royal Enfield Bullet bearing registration No.TN-48-AW-8703 in a rash and negligent manner and dashed behind Sundarraj. In the accident Sundarraj, sustained multiple fracture injury and with the help of local people, he was admitted in the Government Hospital, Trichy. The owner of the above said two-wheeler made assurance that he will aid complainant to meet out medical expenses. But, he refused to do so later on. He was a minor at the



time of alleged occurrence. The respondent police after investigation filed a final report against the petitioner for the alleged offence under Sections 279, 338 & 304-A of IPC before the Juvenile Justice Board, Trichy. The Juvenile Justice Board put the case on file in C.C.No.13 of 2020 and issued summons to the petitioner. Having received the summons, the petitioner entered his appearance. At this juncture, the petitioner decided to plead guilty, as such, he filed a petition under Section 252 of Cr.P.C before the Juvenile Justice Board on 09.12.2020. Though the petitioner sent the petition through online on 30.12.2020, the said petition was not entertained so far. Though the petitioner requested the Juvenile Justice Board to accept his plea of guilty, it refused to do so. The presiding officer of the Juvenile Justice Board is compelling the petitioner to conduct the case. The Juvenile Justice Board without numbering the petition keeps it pending for the past 2 months. The Juvenile Board did not come forward to entertain the application. The petitioner has statutory right to file application under Section 252 of Cr.P.C. seeking plea of guilty. But the Juvenile Justice Board is refusing to entertain the petition. The Juvenile Justice Board cannot refuse to entertain the petition and the same is in violation of law. Hence, the petitioner is left with no other alternative remedy except approaching this Court.

3. As per the report from the Principal Magistrate, Juvenile Justice Board, the petitioner did not appear before the Board.

4. The learned counsel for the petitioner would submit that due to Covid-19 situation, he could not appear before the Juvenile Justice Board.

5. In the considered view of this Court, the petitioner shall appear before the Juvenile Justice Board within 15 days from the date of receipt of a copy of this order and thereafter shall make an application, which shall be considered on merits, since the Board is not bound to accept the plea of guilty, at the earliest.

6. With these directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Kmm



In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Officer-in-charge
Juvenile Justice Board, Trichy
2. The Sub-Inspector of Police,
Thiruverumbur Police Station,
Trichy City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-16675[F] dated
20/04/2021)

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CN (30.06.2021) 3P 5C