



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE :12.02.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.88 of 2021

and

Crl.M.P.(MD)No.1118 of 2021

WEB COPY

Geetharamani

.. Petitioner/SHO

Vs.

1.The Deputy Commissioner of Police (L&O),
Madurai City, Madurai.

..1st Respondent/Respondent

2.The Assistant Commissioner of Police (ADC),
Madurai City, Madurai.

..2nd Respondent/Respondent

3.The Inspector of Police,
AWPS, Thirupparankundram,
Madurai,
(In Crime No.109 of 2014)

..3rd Respondent/Complainant

4.Prakash @ Prakashraj

..4th Respondent/JLL

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records to the impugned order, dated 07.12.2020 made in J.C.No.110 of 2019 on the file of Principal Magistrate, Juvenile Justice Board, Madurai and set aside the same as illegal.

For Petitioner : Mr.R.Gandhi

For R1 to R3 : Mrs.S.Bharathi

Government Advocate (Criminal side)

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Principal Magistrate, Juvenile Justice Board, Madurai, in J.C.No.110 of 2019, dated 07.12.2020.

2.The allegation against the petitioner is that though sufficient time was given and the petitioner was issued notice through post and through his officials, he failed to appear before the Juvenile Justice Board in J.C.No.110 of 2019 on 07.12.2020. The learned Principal Magistrate/Chairperson, Juvenile Justice Board, Madurai, imposed a cost of Rs.1,000/- and directed the Commissioner of Police, Madurai City, to deduct the same from the salary of the petitioner and to make necessary entry in the Service register of the individual. Against that impugned order, the petitioner has preferred this revision.

3.On the side of the petitioner, it is stated that the

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



learned Principal Magistrate/Chairperson, Juvenile Justice Board, imposed a cost of Rs.1,000/- for an offence punishable under Section 309 of Cr.P.C., against the Station House Officer for her non-appearance on 07.12.2020. It is further stated that there was an inspection by the Deputy Commissioner of Police in her Station and she could not make her presence on that particular date before the Juvenile Justice Board. A copy of the proceedings of the Deputy Commissioner of Police, Law and Order, Madurai, was also filed along with this petition. Instead of adjourning the matter, the trial Judge imposed a cost and gave a direction to the Commissioner of Police to make necessary entry in the Service register of the individuals, which is beyond the jurisdiction of the trial Court. It is further stated that the petitioner has unblemished service for a period of 41 years and she is likely to retire on 30.05.2021. Sofar, no departmental action was ever initiated against her. The petitioner undertakes to oblige any order of the Court immediately. In J.C.No.110 of 2019 the Investigation Officer alone has to be examined. The petitioner is ready to co-operate with the trial and prayed the impugned order to be set aside.

4.On the side of the prosecution, it is admitted that there was an inspection in the Station of the petitioner on that date ie., on 07.12.2020 and no other serious objection was raised by the respondents.

5.It is seen that under the Juvenile Justice Act, the case has to be proceeded without delay. The case is of the year 2014. Though the Juvenile Justice Board had addressed the Assistant Commissioner of Police, Thiruparakundaram Range and sent R.P.A.D to the Station House Officer, they failed to produce the witnesses on that date. Considering the fact that the petitioner is on the verge of retirement having 41 years of unblemished service and considering the fact that there was an inspection at her Station on 07.12.2020, this Court is inclined to allow the petition and to set aside the impugned order. The petitioner is directed to produce the witnesses without any further delay.

6.Accordingly, the impugned order passed by the Principal Magistrate, Juvenile Justice Board, Madurai, in J.C.No.110 of 2019, dated 07.12.2020, is set aside and the Criminal Revision Case is allowed. Consequently, connected miscellaneous petition is closed

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: 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.

WEB COPY

To

- 1.The Principal Magistrate, Juvenile Justice Board, Madurai.
 - 2.The Deputy Commissioner of Police (L&O),
Madurai City, Madurai.
 - 3.The Assistant Commissioner of Police (ADC),
Madurai City, Madurai.
 - 4.The Inspector of Police,
AWPS, Thirupparankundram,
Madurai,
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.R.GANDHI, Advocate (SR-4740[F] dated 12/02/2021)

Crl. R.C.(MD)No.88 of 2021
12.02.2021

NA(CO)
KB(05.03.2021) 3P 7C