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Crl.O.P.Nos.781 and 4188 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.Nos.781 and 4188 of 2021

and

Crl.M.P.Nos.458, 459, 2384, 2386,
2632 and 2639 of 2021

Crl.O.P.No.781 of 2021

X,

Rep. by her natural Guardian/ mother

(Names of the petitioner and her mother
are not divulged for the sake of anonymity)

...Petitioner

Vs.

1. CCL.No.1 - A

2. CCL No.2 - B

3. CCL No.3 – C

(Names of the Respondents 1 to 3 /
CCL Nos.1,2 and 3 and their father are
not divulged for the sake of anonymity)

4. The Station House Officer,
Grand Bazaar Police Station,
Puducherry.

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Crl.O.P.Nos.781 and 4188 of 2021

5. The Registrar,
Sri Aurobindo Ashram,
International Centre of Education
Sri Aurobindo Ashram, Pondicherry.

...Respondents

Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to call for the records in Crl.M.P.No.20 of 2020 in Cr.No.17 of 2020, dated 10.09.2020, pending on the file of the Juvenile Justice Board, Puducherry and set aside the same.

For Petitioner	:Mr.T.Mohan, for Mrs.B.Poongkhulali
For R1 to R3	: Mrs.Deepika Murali
For R4	: Mr.V.Balamurugane, Additional Public Prosecutor (Pondicherry)
For R5	: Mr.A.Kalanidhi

Crl.O.P.No.4188 of 2021

X,
Rep. by her natural Guardian/ mother
(Names of the petitioner and her mother
are not divulged for the sake of anonymity)

...Petitioner

Vs.

1.CCL No.4 - D
(Names of the Respondent No.1 / CCL No.4 and
his father are not divulged for the sake of anonymity)



CrI.O.P.Nos.781 and 4188 of 2021

2. The Station House Officer,
Grand Bazaar Police Station,
Puducherry.

5. The Registrar,
International Centre of Education
Sri Aurobindo Ashram,
Pondicherry.

...Respondents

Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to call for the records in CrI.M.P.No.14 of 2020 in Cr.No.17 of 2020, dated 24.03.2020, pending on the file of the Juvenile Justice Board, Puducherry and set aside the same.

For Petitioner	:Mr.T.Mohan, for Mrs.B.Poongkhulali
For R1	: No appearance
For R2	: Mr.V.Balamurugane, Additional Public Prosecutor (Pondicherry)
For R3	: Mr.A.Kalanidhi

COMMON ORDER

The Criminal Original Petitions have been filed to set aside the orders made in Cr.M.P.No.20 of 2020 and Cr.M.P.No.14 of 2020 in Cr.No.17 of 2020, dated 10.09.2020 and 24.03.2020 respectively, on the file of the Juvenile Justice Board, Puducherry.

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2. The petitioner is the victim child and the respondent children are the children in conflict with law who are ranked as CCL No.1, 2, 3 and 4 in Crime No.17 of 2020 on the file of the Station House Officer, Grand Bazar Police Station, puducherry. CCL Nos.1, 2, 3 and 4 were apprehended in the criminal case in Crime No.17 of 2020 for the offences under Sections 10, 12 and 17 of the POCSO Act. The defacto complainant is the mother of the victim girl. The victim girl and the children in conflict with law were the students of the same school. Subsequent to the registering of the case, CCL Nos.1,2, 3 and 4 have been kept in the custody of juvenile home for a few days and thereafter, the orders have been passed by the Juvenile Justice Board, Puducherry to allow CCL Nos.1,2, 3 and 4 to continue their school education. In view of the said order, CCL Nos.1, 2, 3 and 4 were studying in the same school in which the victim girl also studying. Apprehending further untoward if any, the Criminal Original Petitions have been filed on behalf of the victim girl through her mother defacto complainant to set aside the order of the Juvenile Justice Board, Puducherry.



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3. Today when the matter is taken up for hearing, the learned counsel appearing for the respondent children / CCL Nos.1,2 and 3 has submitted that C.C.L Nos.1,2 and 3 have left the school in which the petitioner is studying. The Transfer Certificates issued to the CCL Nos.1 and 2 have also been produced before this Court. However, the learned counsel for the 5th respondent/School would submit that all the four boys who are said to have been involved in the occurrence, had got back their Transfer Certificates and left the School.

4. In view of the present developments, this matter does not require any further consideration and has become infructuous. Accordingly, the Criminal Original Petitions are dismissed as having become infructuous. However, in view of the long pendency of the case, the Juvenile Justice Board, Pondicherry is directed to expedite the trial in Cr.No.17 of 2020 and dispose of the case as expeditiously as possible.



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5. Considering the welfare of the minor children who are the victim

and the children in conflict with law, the petitioner / victim girl shall be indicated as 'X' and the respondent children C.C.L Nos.1, 2, 3 and 4 shall be indicated as A, B, C and D instead of their names in this order wherever necessary. Connected miscellaneous petitions are closed.

27.09.2022

vum

Index:yes/No

Speaking order / Non speaking order



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Crl.O.P.Nos.781 and 4188 of 2021

R.N.MANJULA,J.

vum

To

The Station House Officer,
Grand Bazaar Police Station,
Puducherry.

Crl.O.P.Nos.781 and 4188 of 2021 and
Crl.M.P.Nos.458, 459, 2384, 2386,
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