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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 17028 of 2018

B.Sudhakar

...Petitioner/Accused

Versus

The State Rep.by
Station House Officer,
Ramanaththam Police Station,
Cuddalore District.
(Crime No.6 of 2008)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in respect of proceeding in J.C.No.138 of 2017, on the file of the Juvenile Justice Board, Cuddalore and quash the same.

For Petitioner : Mr.R.Sethuvarayar

For Respondent : Mr.R.Kishore Kumar
Govt. Advocate (Crl.Side)

O R D E R

This Petition has been filed to quash the final report in J.C.No.138 of 2017, filed against the petitioner for the offences under Sections 147, 148, 342, 364, 323, 302 r/w 149 IPC, on the file of the Juvenile Justice Board, Cuddalore.

2.The crux of the charge is that as the deceased developed some illegal connection with the mother of A1. A2 is the brother of A1. In order to do away with the accused kidnapped the deceased on 23.10.2007 and caused injuries to the deceased and thereby, the deceased succumbed to injuries on 13.08.2017.

3.The learned counsel appearing for the petitioner mainly contented that in the main case against other accused the prosecution story was disbelieved by the trial court and all the accused were acquitted in S.C.No.73 of 2009, on the file of the Additional Sessions Judge (FTC-3), Vridhachalam and submitted that the same witnesses sought to be relied by the prosecution against the petitioner. The evidence has already analysed by the



court and disbelieved by the trial Court. Therefore, all the accused were acquitted and the judgment has not been appealed. Therefore similar benefit is also sought to be given to the Juvenile.

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4. Heard learned counsel appeared for both sides and perused the materials available on record.

5. As rightly pointed by the learned counsel appearing for the petitioner, this Court perused the judgment of the trial court in main S.C.No.73 of 2009, the learned trial Judge taking note of the statements given by the deceased in various aspects in different statements as to the nature of injury sustained by him. One statement the deceased stated that he fell down and another statement he sustained injury while going on a cycle and the learned trial judge disbelieved the entire witnesses evidence and acquitted. The same witnesses sought to be examined by the prosecution in the subsequent trial. Therefore, no purpose would be served to the prosecution. Trial Court in S.C.No.73 of 2009 also come to the definite conclusion that the materials relied upon by the prosecution in the name of call details have not been proved to prove the alleged conspiracy and conversion between the parties. None of the evidence implicated the juvenile who is the present petitioner. Therefore, the entire charges relied by the prosecution is disbelieved.

6. This Court is of the view that the deceased died in some other circumstances, continuation of prosecution against this petitioner who is a juvenile is futile exercise. Accordingly, final report pending in J.C.No.138 of 2017, on the file of the Juvenile Justice Board, Cuddalore is quashed. It is also admitted by the state that there is no appeal has been preferred as against the judgment of the acquittal.

7. In view of the above, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-II)

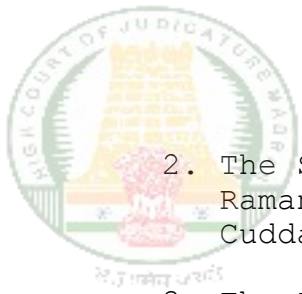
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Sub Assistant Registrar

psa/ggs

To

1. The Juvenile Justice Board,
Cuddalore.



2. The Station House Officer,
Ramanatham Police Station,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

Copy To

The Additional Sessions Judge,
(FTC-3), Virudhachalam.

+1cc to Mr.R.Sethuvarayar, Advocate, S.R.No.4361

Cr1.O.P. No.17028 of 2018

KG(CO)
RGA(11/03/2022)