



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.R.C. (MD)No.125 of 2021

WEB COPY

L.Sakkubai

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Madurai Town,
Vilakuthoon Range,
Madurai.

2. The Inspector of Police,
South Gate Police Station Crime,
Madurai.

3. Kali @ Kalieswaran

4. Nagaraj

5. Malayarasan

... Respondents

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for records pertaining to the order dated 11.01.2021 made in JC No.19/2017 passed by Learned Juvenile Justice Board Madurai and set aside the same.

For Petitioner : Mr.R.Ragavendran

For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Cr1. Side)

O R D E R

This Criminal Revision Petition has been filed challenging the order dated 11.01.2021 made in JC No.19/2017 passed by the learned Principal Magistrate/Chairperson, Juvenile Justice Board, Madurai and thereby, imposed a fine of Rs.3,000/- to the respondents 3 to 5/accused, payable by the petitioner, for nonappearance before the trial Court.

2.The petitioner is the investigation officer in crime No. 25 of 2017, registered for the offence punishable under Section 392 IPC, as against the respondents 3 to 5 herein. The petitioner after the completion of investigation, filed final report in JC No. 19 of 2017, on the file of Juvenile Justice Board, Madurai. On 11.01.2021,



when the trial was posted for hearing, the petitioner was not present and no representation on her side. Though sufficient time given, the Investigation Officer was not present continuously. Even after serving of further notice to the petitioner, she did not appear before the trial Court. In fact, the further notice also served to the Assistant Commissioner and on receipt of the same, either the petitioner or any police from the concerned investigating agency appeared before the trial Court. Because of their absence, the entire trial has been stopped and as such the Court below imposed a cost of Rs.1,000/- (Rupees one thousand only) to each of the respondents 3 to 5 herein, payable by the petitioner.

3. Whereas, the learned counsel appearing for the petitioner would submit that after the order passed, the petitioner immediately appeared before the trial Court and sought for apology. The notice issued by the trial Court were received only by the Sub-Inspector of police and who in turn, failed to inform the same to the petitioner. Therefore, the absence of the petitioner is neither wilful nor wanton.

4. Considering the above submission and also considering the future of the petitioner, the order passed by the trial Court in JC No.19/2017 on 11.01.2021 is set aside, on condition that the petitioner shall appear before the Juvenile Justice board, on all hearings without fail and cooperate for trial.

5. With the above directions this Criminal Revision Petition stands allowed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

PNM

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.

To

1. The learned Principal Magistrate/Chairperson,
Juvenile Justice Board, Madurai



2.The Assistant Commissioner of Police,
Madurai Town,
Vilakuthoon Range,
Madurai.

3.The Inspector of Police,
South Gate Police Station Crime,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.RAGAVENDRAN, Advocate (SR-10014[F] dated
04/03/2022)

Cr1.R.C. (MD) No.125 of 2021

02.03.2022

RD(15/03/2022) 3P 6C