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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09/11/2022

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.RC(MD)No.312 of 2020

and

Crl.MP(MD)Nos.2660 and 2661 of 2020

Alex Raj : Petitioner/Respondent

Vs.

State represented by
The Inspector of Police,
Town South Police Station,
Dindigul, Dindigul District.
(Crime No.591 of 20160

: Respondent/Petitioner

Prayer:- This Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code to call for the records and to set aside the order, dated 14/02/2020 passed by the Crl.MP No.22 of 2020 in Spl. SC No.69 of 2018 on the file of the Sessions Judge (Fast Track Mahila Court), Dindigul, Dindigul District.

For Petitioner : Mr.S.Sarvaga Prabhu
for Mr.K.Veilmuthu

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

**ORDER**

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This revision has been filed seeking to set aside the order, dated 14/02/2020 passed in CrI.MP No.22 of 2020 in Spl. SC No.69 of 2018 on the file of the Sessions Judge (Fast Track Mahila Court), Dindigul, Dindigul District.

2.The facts in brief:-

The revision petitioner is facing the charges for the offences under sections 147, 148, 302, 506(ii) IPC @ 120(B), 147, 148, 506(ii), 302 IPC r/w 149 IPC.

The case of the prosecution, as evident from the final report is that this petitioner was aged about 17 years at the time of alleged occurrence and A2 was aged about 17 years. Along with the co-accused, this petitioner constituted an unlawful assembly, caused murder of one Dakshinamoorthy, who is the son of the de-facto complainant. It is further seen that the petitioner was in love with the sister of the deceased namely Geethanjali. That was not liked by the family members of the deceased Dakshinamoorthy. So the accused wanted to do away the deceased Dakshinamoorthy. In pursuance of the



above said conspiracy, on 10.09.2016 at about 08.30 pm, all the accused persons caused assault with deadly weapons, as a result of which, the above said Dakshinamoorthy died on the spot.

3.Finding that the accused 1 and 2 have not attained the age of 18 on the date of the alleged occurrence, they have been charge sheeted before the Juvenile Justice Board, Dindigul. During the pendency of the above said trial process, the prosecution moved an application in CrI.MP No.116 of 2018 to undertake enquiry under section 15 of the Juvenile Justice (Care and Protection) Act. After completing the formalities, the above said application was allowed by the Juvenile Justice Board, Dindigul, on 01/11/2018.

4.Now challenging the above said order, dated 01/11/2018, this petitioner wanted to file an appeal under the provision of the Juvenile Justice (Care and Protection) Act. There was delay of 397 days in preferring the statutory appeal. To condone the delay to prefer the appeal, this petitioner has filed in CrI.MP No.22 of 2020 before the Fast Track Court, Mahila Court,



Dindigul and that was heard and later, came to be dismissed, on 14/02/2020.

5. Now challenging the above said dismissal order, this revision has been preferred by the petitioner.

6. Heard both sides.

7. The learned counsel appearing for the petitioner, during the course of argument, would submit that the order, dated 01/11/2018 was not served upon him in time and there is a violation of section 15 of the Juvenile Justice (Care and Protection) Act, since the statutory limitation of the notice period in concluding the enquiry was not complied. So according to him, the statutory appeal is a right, which is available to the petitioner. So, the legality of the above said order requires to be challenged and since there was a delay in supplying the copies, he moved the above said application. But in para 8 of the order, it has been observed by the Special Court that there is a clear endorsement made by the petitioner stating that he has received the copy of the order and he was also informed



8. Even though, the learned counsel appearing for the petitioner would heavily rely upon the legality alleged to have been committed by the Juvenile Justice Board, in concluding the proceedings, when the right of appeal was informed to the petitioner and he also received the copy, the contention that it was not served upon him is nothing, but a wrong information that is furnished to the court. On that ground itself, the petition that has been filed by the petitioner was dismissed by the Special Court. So, I find no reason to entertain this revision. Giving wrong information to the court and that too, for condoning the delay of enormous days will not lie.

9. Now coming to the subsequent events, the learned Additional Public Prosecutor would submit that the petitioner wants to drag on the proceedings to the maximum possible.



10.The entire CD file has been called for and perused.

11.Reading of the CD file shows that the trial was about to be commenced. At that time only, this petitioner was saying that before this court this revision is filed. There is some allegation by the eye witness to the effect that they have threatened by the accused persons. So pointing out these aspects, the learned Additional Public Prosecutor would submit that the petitioner wants to drag on the matter by citing this revision petition.

12.As mentioned earlier, the conduct of the petitioner clearly shows that the contention that was raised by him is not a bona fide and genuine one. So, I find no reason to entertain this revision.

13.In the result, this criminal revision fails and the same is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

09/11/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Sessions Judge
(Fast Track Mahila Court),
Dindigul.
- 2.The Inspector of Police,
Town South Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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