



Crl.RC.No.128/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

CRL.R.C.NO.128 of 2023

&

Crl.M.P.No.937 of 2023

Srinivasan

... Petitioner

Vs

The State, represented by
the Inspector of Police,
Central Crime Branch,
Vepery,
Chennai 600 007
(Cr.No.758/2006).

... Respondent

Prayer: Criminal Revision case filed u/s.397 r/w.401 Cr.P.C., to set aside the order passed by the Chief Metropolitan Magistrate, Egmore in Crl.M.P.No.21966 of 2022 in C.C.No.2393 of 2007, by order dated 01.08.2022.

For Petitioner: Mr.K.G.Senthilkumar

For Respondent: Mr.V.Meganathan,
Govt. Advocate (crl.side)



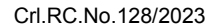
Crl.RC.No.128/2023

ORDER

WEB COPY

Challenging the impugned order of dismissal dated 01.08.2022 passed by the Chief Metropolitan Magistrate, Egmore in Crl.M.P.No.21966 of 2022 in C.C.No.2393 of 2007, seeking to try the case in respect of petitioner/A3, according to Juvenile Justice (Care and Protection of Children) Act, 2000.

2. The learned counsel for the petitioner submitted that the respondent police prosecuted the petitioner along with two persons for the commission of offence under section 465, 468, 467 471, 420 r/w.109 IPC and registered a case in crime No.758 of 2005. On completion of investigation, the case was taken on file in C.C.No.2393 of 2007 before the Chief Metropolitan Magistrate, Egmore, Chennai. He further contended that the petitioner was arrayed as A3 in C.C.No.2393 of 2007. As per the prosecution case, in respect of Govt. Poramboke land, classified as 'Eri', a sale deed has been executed by A1-one vasantha on 05.08.1981 in favour of A2 and A3/petitioner and subsequently, A2 and A3/petitioner, executed a sale agreement in favour of a third party on 01.08.1990, further colluding with other accused, they have fraudulently



3/7



attaining majority, the trial court is entitled to try the offence which is against the provision of section 7-A of the Juvenile Justice (Care and Protection of Children) Act, 2006. Thus he prayed for allowing this criminal revision case.

3. Heard the learned Govt. Advocate (crl.side) appearing for the respondent.

4. I have considered the arguments made on either side and perused the materials available on record.

5. The undisputed fact is that the date of birth of petitioner as per SSLC is 27.11.1963. Further, it is not disputed that the property has been first purchased on 5.8.1981 and during that period, admittedly, the petitioner was a minor. No law prohibited any minor from purchasing a property and purchasing a property by a minor is not an offence. Therefore, the commission of offence did not take place at the time of purchasing the property on 5.8.1981.

6. It is to be noted that in respect of subsequent transaction made on 29.11.2004, the petitioner along with A2, knowing fully well that they have no



Crl.RC.No.128/2023

right over the Govt. Poramboke land, executed a partition deed in respect of the abovesaid land and also put his signature in the partition deed. It is further to be noted that as on 29.11.2004, the petitioner has very well attained majority. Thus it is clear that being a major, he committed the offence continuously. Considering the above aspect, the trial court rightly dismissed the petition filed under section 7A of Juvenile Justice (Care and Protection of Children) Act. Therefore, the impugned order passed by the trial court does not suffer any infirmity and the same is in order. Hence, I find no reason to interfere with the order passed by the trial court.

7. In the result, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is closed.

27.01.2023

msr

Index: Yes/No

Internet: Yes/No

To

5/7



Crl.RC.No.128/2023

1. The Chief Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
Central crime Branch,
Vepery, Chennai 600 007.
3. The Public Prosecutor,
Madras High Court.

V. SIVAGNANAM, J.



WEB COPY



Crl.RC.No.128/2023

msr

CRL.R.C.NO.128 of 2023
&
Crl.M.P.No.937 of 2023

27.01.2023