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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.2237 of 2025 and

Crl.M.P.No.20421 of 2025

Harish

... Petitioner

Vs.

State by the Inspector of Police,

All Women Police Station,

Hosur

(Crime No.65 of 2025)

... Respondent

PRAYER : This petition is filed under Section 438 r/w 442 of BNSS Act to call for the records made in order dated 03.09.2024 in Crl.M.P.No.03 of 2024 in Spl.SC.No.34 of 2024 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and set aside the same and pass orders.

For Petitioner : Mr.C. Santhosh Kumar

For Respondent : Dr.C.E. Pratap, Government Advocate

ORDER

This Criminal Revision Case has been filed to call for the records made in order dated 03.09.2024 in Crl.M.P.No.03 of 2024 in Spl.SC.No.34 of 2024 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and set aside the same



2. The facts of the case is that the petitioner was not produced before the Juvenile Justice Board. As per the alleged charge sheet the petitioner was a minor at the time of occurrence. He was not undergone proper medical test and mental ability test. The respondent/police ought to have brought the accused before JJ Board and properly assessed his age and mental ability test and then should have proceeded with this case. It is further stated that the provision laid down in JJ act has not been applied. Hence he has filed a discharge petition before the Court below in CrI.M.P.No.03 of 2024 in Spl.SC.No.34 of 2024 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and the same was dismissed on 03.09.2025, which has given rise to this petition.

3. The learned counsel for the petitioner submits that the court below failed to consider the fact that the petitioner cannot be tried by the Trial Court for alleged offence and he can be tried only by the children's Court as mandated by the JJ Act after assessing his mental and physical capacity, since he was a child in conflict with law/minor at the time of commission of offence as per the alleged charge sheet.

4. The learned Government Advocate appearing for the respondent police



submitted that the petitioner has produced only the bonafide certificate for the academic year 2021-2023. The original birth certificate has not been produced before this Court to show the petitioner was 16 years at the time of occurrence on 20.11.2022. Hence, the *prima facie* case is against the petitioner/accused and prayed to dismiss this petition.

5. On a perusal of the impugned order it is seen that the learned Judge has held that in the 161 and 164 of Cr.P.C statement of the victim, the victim girl clearly stated the incident against the accused. It is also stated that the date of birth of the accused is 11.05.2005. Therefore, on the alleged first occurrence i.e on 20.11.2022 the petitioner has not completed 18 years. However, the learned Judge made an observation that even though the petitioner is entitled to claim benefit of JJ Act, birth certificate has not been produced by him as on date. Hence, *prima facie* material is available against the petitioner. Therefore, the petitioner is not entitled to discharge from this case and dismissed the petition.

6. This Court is of the view, that the observation and finding made by the learned Judge needs no interference as the same is perfectly valid in the eye of law. Therefore, the order passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri on 03.09.2024 is confirmed and this Criminal Revision case is



dismissed. Consequently the connected miscellaneous petition is closed.

However, the petitioner is directed to co-operate with the trial.

04.11.2025

smn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Inspector of Police,
All Women Police Station,
2. The learned Sessions Judge, Fast Track Mahila Court, Krishnagiri



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T.V.THAMILSELVI, J.

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