

Madras High Court
Madras High Court
Minor Pradeesh Kumar vs The Station House Officer on 8 September, 2009
DATED: 08.09.2009

C O R A M

THE HONOURABLE Mr.JUSTICE R.REGUPATHI

Criminal Original Petition No.18986 of 2009

1.Minor Pradeesh Kumar

Rep. By his mother and natural

guardian K.Chandasekari

2.Minor Gopu

Rep. By his mother and natural

guardian Tamizharasi .. Petitioners

Versus

The Station House Officer,

Cuddalore Port,

Cuddalore,

Cuddalore District. .. Respondent

Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying for a direction to the Juvenile Board to consider and pass orders on the same day of the production of the petitioners by their close relatives under sec. 12 of the Juvenile Justice Act, on considering the affidavit undertaking of the guardian and without waiting for the report of the probation officer in Crime No.14/2009 pending on the file of the Station House Officer, Cuddalore. For petitioners : Mr.C.Senthil Nathan

For respondent : Mr.N.R.Elango, A.P.P.

O R D E R

This petition is filed, seeking for a direction to the Juvenile Board to consider and pass orders on the same day of the production of the petitioners by their close relatives under section 12 of the Juvenile Justice Act, on considering the affidavit undertaking of the guardian and without waiting for the report of the probation officer in Crime No.14/2009 pending on the file of the Station House Officer, Cuddalore.

2. The case of the prosecution is that two accused along with the petitioners, who are minors, alleged to have committed house-breaking and theft of D.V.D. and cell phone worth about Rs.8,500/- and subsequently two accused were arrested. Pending investigation, statement was recorded from the arrested accused, in which, the involvement of the petitioners has also revealed.

3. Learned Additional Public Prosecutor submits that the petitioners are also accused for offence punishable under sections 454 and 380 IPC and it is pending investigation.

4. Learned counsel for the petitioners submits that the petitioners being juveniles, willing to co-operate with the investigation and submitted that as per section 12 of the Juvenile Justice Act, "if the juvenile appears or is brought before a Board, he shall be released on bail". It is further submitted that the court may insist on report from the Probation Officer and under such circumstances, there is possibility of sending the petitioners to an observation home or a place of safety. On instruction from the petitioners, it is submitted that they are in the custody of their mother and in the event of their production accompanied by the mother, they may be released on bail.

5. I have perused the materials available on record and heard the submissions on either side.

6. The object of the Act is not to treat the juvenile as an accused in the ordinary reasons and juvenile and those persons are "juvenile in conflict with law", child friendly approach is adopted in adjudication of the matters in the best interest of the children for their ultimate rehabilitation. Under such circumstances, the petitioners are directed to appear before the Juvenile Justice Board, Cuddalore accompanied by their mother and also the Board is directed to pass necessary interim order in accordance with Section 12 of the Juvenile Justice Act on the same day, after receiving an affidavit of undertaking of the petitioners and their mother, without insisting for the report of the Probation Officer. After receipt of the report of the Probation Officer, final order may be passed.

4. The petition is ordered accordingly.

rj

To

1. Juvenile Justice Board, Cuddalore

2. The Station House Officer,

Cuddalore Port, Cuddalore, Cuddalore District.

3. The Public Prosecutor, High Court,

Chennai