

Shamsudeen Vs. State of Kerala

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Court : Kerala

Decided On : Mar-31-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Shamsudeen

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN MONDAY,THE31T DAY OF MARCH201410TH CHAITHRA, 1936 CrI.MC.No. 1587 of 2014 (E) ----- AGAINST THE

ORDER

IN SC5042012 of SESSIONS COURT,THRISSUR PETITIONER(S)/ACCUSED1AND2 ----- 1. V.A.SHAMSUDEEN AGED57YEARS S/O.ABDUL KHADER HAJI, VALIAVEETIL HOUSE, ERIADU P.O. KODUNGALLUR, THRISSUR DISTRICT.

2. VIJAYA KUMAR AGED55YEARS S/O.NARAYANAN, PARAPPETTY HOUSE, COMPANYPPADY KANNARA. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN COMPLAINANT(S)/COMPLAINANT/STATE: ----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA

ERNAKULAM-682031 (CRIME NO.867/2011 OF THRISSUR TOWN EAST POLICE STATION THRISSUR DISTRICT). BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31/03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 1587 of 2014 (E) APPENDIX PETITIONER'S ANNEXURES ANNEXURE - I : COPY OF THE RELEVANT PAGES OF FINAL REPORT IN SC NO.504/2012 PENDING ON THE FILE OF THE COURT OF SESSIONS, THRISSUR RESPONDENT'S ANNEXURES NIL //TRUE COPY// P.A.TO JUDGE JJJ N.K. BALAKRISHNAN, J.

----- CrI.M.C. No. 1587 of 2014 (E)
----- Dated this the 31st day of March, 2014

ORDER

Petitioners are A1 and A2 in Sessions Case No.504/2012 pending before the Court of Sessions, Thrissur. Offences alleged are under sections 23 and 26 of Juvenile Justice (Care and Protection of Children) Act. The case was committed to the Court of Sessions as per the provisions contained in Central Act 4 of 2006.

2. It is alleged that a minor boy was employed by the 1st accused in his hotel by name 'Arabian Grills'. That hotel is managed by the 2nd accused, it is stated. The learned counsel for the petitioners submits that even as per the complaint, the boy was aged 17 years. No document has been produced by the prosecution to show that the boy is aged less than 18 years. It is also stated that even as per the complaint, the boy was not made to do any hazardous CrI.M.C. No. 1587/2014 (E) -2- job. Only because the boy was seen cleaning the table, offence has been registered as above, it is stated.

3. It is submitted by the learned counsel for the petitioners that the boy was given employment out of humanitarian consideration and if the petitioners are to get the birth certificate or other documents evidencing age, no employment can be given to such a boy. Only because of the pitiable condition of the boy and his family consisting of aged parents, job was given to him and he was not asked to do any hazardous job. But it certainly cannot be misused by the employer nor can it be a

license for the petitioners to make the boy do any hazardous labour or do anything which would affect the right of the child.

4. Considering the totality of facts and circumstances, I find that continuance of prosecution would be an exercise in futility. CrI.M.C. No. 1587/2014 (E) -3- 5. In the result, this petition is allowed, further proceedings in Sessions Case No.504/2012 pending before the Court of Sessions, Thrissur, is quashed. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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