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XX vs Stste of Kerala

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Court : Kerala Orders

Decided On : Apr-06-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/1994/2022

Appellant : XX

Respondent : Stste of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL WEDNESDAY, THE 6TH DAY OF APRIL 2022 / 16TH CHAITHRA, 1944 CRL.MC NO. 1994 OF 2022 [Crime No.111/2022 of the Cheranelloor Police Station] PETITIONER/ACCUSED: XX AGED 17 YEARS XX, PIN - 682032 BY ADVS. THOMAS J.ANAKKALLUNKAL ABISHEK JOHNY NIRMAL CHERIYAN VARGHESE JAYARAMAN S. RESPONDENTS/STATE & DE FACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. 2 SHO CHERANALLOOR POLICE STATION, ERNAKULAM CITY - 682034 OTHER PRESENT: SMT.SREEJA .V-SR.PP THIS CRIMINAL MISC.

CASE HAVING COME UP FOR ADMISSION ON 06.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :-2-:

O R D E R

Petitioner is the second accused in Crime No.111/2022 of

the Cheranelloor Police Station, registered on 11.02.2022 for the offences punishable under Sections 324,341,452 and 506 read with 34 IPC. The accused Nos.1 and 3 have already been arrested and released on bail. Petitioner alleges that he was being restrained and troubled by the Police as if he has attained majority. Crime has been registered as if he has attained majority showing his age as 18 years.

2. But, Annexure A2 birth certificate indicates that he

was born on 25.5.2004; that means he is still a minor. Petitioner seeks a direction to the second respondent to produce him before the Juvenile Justice Board, in the event of arrest. Learned counsel also invited my attention to Annexure A6 certificate which indicates that he has mental disability and the certificate from the Renai Medicity which indicates that he has psychiatric issues, for which treatment is underway. Whatever it may be, the learned

:-3-:

Senior Public Prosecutor has made available the report of the Sub Inspector of Police, Cheranelloor Police Station, which indicates that even though the Police wanted to interrogate him, he was not produced by accused Nos.1 and 3. It is made clear that the Sub Inspector of Police has not made any harassment and has assured that he will act in accordance with law, that if he is a minor, he

would be produced before the Juvenile Justice Board. This submission is recorded. It is made clear that, if he is arrested, he shall be treated with empathy, taking into account his ailments. Recording the submissions, Crl.M.C. is closed. sd/- K.HARIPAL, Judge MBS/

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