

IN THE COURT OF ADDITIONAL SESSIONS JUDGE -III, KASARAGOD

Present: Sri.Achindya Raj Unni, Addl. Sessions Judge -III
 Saturday, the 29th day of November 2025/8th Agrahayana, 1947

Crl. M.P. 6853/2025 in SC No.667/2024 in
Crime No.35/2020 of Kumbla Police Station

Between:

The State of Kerala,
 Represented by Addl.Public
 Prosecutor, Kasaragod.

} Petitioner/Complainant.

And

1. Kiran Raj Shetty, aged 19/2020,
 S/o.Ravindranath Shetty, Bambrana Vayal,
 Bambrana Village, Kumbla.
2. Harsha Kumar S, S/o.Sivappa Gati,
 aged 30/2020, Kundangaradukka,
 Koyipady Village, Kumbla.

} Respondent/
 Accused.

The present petition is filed by the Additional Government Pleader requesting that the case be transferred to the Children's Special Court (Additional District & Sessions Court-I, Kasargod) for trial and disposal.

Petition presented on : 29.11.2025

This petition coming on this day for hearing before me in the presence of Sri.P.Satheeshan, Addl.Public Prosecutor for petitioner (State); of Sri.Ramakrishna Gatty.M, Advocate for respondent No.2 and the Court passed the following:

ORDER

The present petition is filed by the Additional Government Pleader requesting that the case be transferred to the Children's Special Court (Additional District & Sessions Court-I, Kasargod) for trial and disposal.

2. The Petitioner stated that accused numbers 1 and 2 allegedly committed offences punishable under Section 341, 323, 506(ii) r/w 34 of the IPC. The injured victims/CW1 & CW2 in this case were minors at the time of

the occurrence. Therefore, the case is exclusively triable by the Children's Court (Additional District & Sessions Court-I, Kasargod). Hence, this petition.

3. Notice was given to the counsel for the accused. He did not object to the present petition.

4. Heard both sides.

5. Point for consideration:-

1) "Whether the petition is allowable"?

6. **The Point:-** This court has perused the case record, which reveals that the date of the incident in the present case was on 27.01.2020. The records further indicate that CW1 & 2/victims were aged 17 and 13 years at the date of the alleged commission of offences. Therefore, the learned additional public prosecutor submitted that the present case ought to have been tried by the Special Court having jurisdiction.

7. As per Section 25 of the Commissions for Protection of Child Rights Act, 2005 (for short 'the Child Rights Act') provides for the constitution of Children's Courts for the purpose of speedy trial of offences against children or violation of child rights. Accordingly, Children's Courts were constituted by notification.

8. In the present case, the offences alleged against the accused are punishable under Sections 341, 323, 506(ii) read with Section 34 of the IPC. No offence, which is exclusively triable by the Sessions Court, is involved in the present case. In view of the dictum laid down in **Abdul Aziz M. and Another v. Circle Inspector of Police and Others (2012 (1) KLJ 99)** and Section 25 of the Child Rights Act, the learned Magistrate committed the present case to be tried before the Special Court. A cursory reading of Section 25 of the Child Rights Act suggests that the designated Special Court ought to have tried the case. Therefore,

this Court is of the considered opinion that this Court lacks jurisdiction to proceed with the matter. Accordingly, the point is decided in favour of the petitioner.

Consequently, the petition is **allowed** as follows:

As this court lacks jurisdiction to try the case, the office is directed to place the file before the honourable Principal Sessions Court, Kasaragod, for withdrawal and transfer of the present case to the Special Court having jurisdiction to try the offences.

(Dictated to the Confidential Assistant, transcribed and typed by him, revised and corrected by me and pronounced on this the 29th day of November 2025)

Sd/-
ADDL. SESSIONS JUDGE-III
KASARAGOD.

Typed &
Compared by: Beena N

FAIR/COPY OF
ORDER
in Crl. M.P. 6853/2025
in SC No.667/2024 in
Crime No.35/2020 of
Kumbla Police Station

DATED: 29.11.2025