

**IN THE COURT OF I ADDITIONAL DISTRICT & SESSIONS JUDGE,
CUDDALORE.**

Present : **Tmt.G.Saraswathi, M.L,**
I Additional District & Sessions Judge,
Cuddalore.

Tuesday, the 15th day of July 2025

M.P. No. 1 of 2025 in S.C.No.298 of 2018

(CNR No. TNCD01 – 001167 – 2018)

Kaviyarasan (A2)
S/o.Kaliyaperumal
Rajivgandhi Nagar,
Kurinjipadi Taluk.

... Petitioner / Accused

-Vs-

State Rep. by Station House Officer,
Vadalur Police Station,
Crime No.164 of 2017

... Respondent / Complainant

This Petition came up on today for final hearing before me in the presence of Mr.K.Selvakumar, Counsel for the Petitioner / Accused and Thiru.S.P.Kathirvelan, Additional Public Prosecutor for the Respondent / Complainant and upon hearing both sides, upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:

ORDER

This petition is filed U/s.9(2) of the Juvenile Justice (Case and Protection of Children) Act, 2015 praying to conduct an enquiry under Section 9(2) of the Juvenile

Justice Act to determine the age of the Petitioner, on finding that the petitioner was a Juvenile at the time of the alleged offence sever the petitioner's case from the main case, transfer the proceedings against the petitioner to the appropriate Juvenile Justice Board and pass such other order as this Court may deem fit and proper in the interest of justice.

2. The brief averments of the petition is as follows :

The petitioner is arrayed as the Accused in the above mentioned case pending before this Court and the alleged offence in the above case committed on 16.10.2010. The petitioner was born on 03.07.1999. A true copy of the School Transfer Certificate issued by Government of Tamil Nadu, Department of School Education is herewith enclosed. As per the said Transfer Certificate, the date of birth of the petitioner is 03.07.1999. Therefore, the petitioner was a juvenile in conflict with law on the date of commission of the alleged offence, having not completed the age of 18 years. In view of the above facts and in accordance with section 9(2) of the Juvenile Justice (care and Protection of Children) Act, 2015, the petitioner praying to hold an enquiry regarding the juvenility of the petitioner, and upon satisfaction, direct that the case against the petitioner be transferred to the Juvenile Justice Board having competent Jurisdiction. Hence, this petition.

3. Counter not filed by the prosecution.

4. Heard both. No oral evidence was let in and no documents were marked.

5. POINT FOR CONSIDERATION:

Whether this petition is to be allowed or not?

6. Discussion on the Point for consideration :

Heard. Perused available records. The Original Transfer Certificate produced for verification. On perusal found that Date of Birth of A2 Kaviyarasan, S/o.Kaliyaperumal is 03.07.1999 while alleged occurrence is 17.05.2017 which would show that on the date of occurrence the above said A2 has not completed 18 years and is a Juvenile. Hence, transfer to Juvenile Justice Board, Cuddalore to comply as per Juvenile Justice (Case and Protection of Children) Act and Rules of Preliminary assessment and proceed.

In the result, this petition is allowed.

Directly dictated to Steno-typist, typed by her, corrected and pronounced by me in the open Court, on this the 15th day of July 2025.

(Sd/-G.Saraswathi)
I Additional District and Sessions Judge,
Cuddalore.

List of witnesses and exhibits on petitioner side: Nil

(Sd/-G.Saraswathi)
I Additional District and Sessions Judge,
Cuddalore.

***Draft / Fair Order in
M.P. No. 1 of 2025
in S.C.No.298 of 2018
Dated : 15.07.2025.***