



**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.234 OF 2024  
(Arising out of S.L.P.(Criminal) No.8046 of 2023)**

**MUTHALAGU ... APPELLANT(S)**

**VS.**

**STATE OF TAMIL NADU REP. BY THE  
DEPUTY SUPERINTENDENT OF POLICE ... RESPONDENT(S)**

**O R D E R**

Leave granted.

Heard the learned counsel appearing for the parties.

The contention raised by the appellant is that on the date of commission of the offence, he was a juvenile in conflict with law. In view of the said contention, this Court directed an inquiry to be made by the District Judge on the issue of juvenility. In terms of the said order of this Court dated 16<sup>th</sup> December, 2020, now a report has been submitted by the District and Sessions Judge which records that the date of birth of the appellant is 22<sup>nd</sup> May, 1996. The date of occurrence of the offence is 28<sup>th</sup> June, 2012. Therefore, in terms of Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short "2000 Act"), the

appellant was a juvenile in conflict with law on the day of occurrence. Therefore, he could not have been tried before the regular Criminal Court.

In terms of Section 15(g) of the 2000 Act, the most stringent order that could have been passed against the appellant by the Juvenile Justice Board was of directing of him to be sent to a special home for a period of three years. The appellant has undergone incarceration for more than 4 years. Therefore, now, it will be unjust to send the case back to the Juvenile Justice Board.

Therefore, we set aside the impugned judgments and orders only insofar as the present appellant is concerned. The appellant is acquitted of the offences alleged against him in Special S.C.No.24 of 2013 decided by the Principal Sessions Judge, Virudhunagar District at Srivilliputhur on 28<sup>th</sup> March, 2016 only on the ground that on the date of commission of the offence, he was a juvenile in conflict with law.

The appeal is accordingly allowed.

The appellant shall be forthwith set at liberty, unless his presence is required in any other case.

.....J.  
(ABHAY S.OKA)

.....J.  
(UJJAL BHUYAN)

NEW DELHI;  
January 12, 2024.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 8046/2023

(Arising out of impugned final judgment and order dated 20-09-2019 in CRLAMD No. 151/2016 passed by the High Court of Judicature at Madras at Madurai)

MUTHALAGU

Petitioner(s)

VERSUS

STATE OF TAMIL NADU REP. BY THE DEPUTY  
SUPERINTENDENT OF POLICE

Respondent(s)

(IA No. 102468/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 103825/2020 - EXEMPTION FROM FILING O.T.

IA No. 102469/2020 - EXEMPTION FROM FILING O.T.

IA No. 103822/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 12-01-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. M.P. Parthiban, AOR  
Ms. Priyaranjani Nagamuthu, Adv.  
Mr. R. Sudhakaran, Adv.  
Mr. T. Hari Hara Sudhan, Adv.  
Ms. Shalini Mishra, Adv.  
Mr. Bilal Mansoor, Adv.  
Mr. Shreyas Kaushal, Adv.

For Respondent(s)

Dr. Joseph Aristotle S., AOR  
Mr. Ashish Yadav, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is accordingly allowed.

The appellant shall be forthwith set at liberty,  
unless his presence is required in any other case.

Pending applications also stand disposed of.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER

(Signed order is placed on the file.)