



Rev. Appln. No.17 of 2023
in W.A.No.2759 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On : 03.02.2023

Delivered On: 01.03.2023

CORAM

**HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP**

Rev. Appln. No.17 of 2023
in
W.A.No.2759 of 2018

The Superintendent of Police,
Villupuram District,
Office of the Superintendent of Police,
Villupuram – 605 602.

: Review Applicant/Respondent

Vs.

S.Rajeshkumar

: Respondent/Appellant

Prayer: This Review Application has been filed under Order 47, Rules 1 and 2 r/w. Section 114 of Civil Procedure Code, seeking to review the order of this Court dated 11.01.2019 passed in W.A.No.2759 of 2018.

For Appellant :: Mr.P.Kumaresan,
Additional Advocate General
assisted by Mr.Hasan Fizal,
Additional Government Pleader



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WEB COPY For Respondent :: Mr.K.Ravi Ananthan Padmanaban
Senior Counsel
assisted by Mr.S.Vediappan

ORDER

SATHI KUMAR SUKUMARA KURUP, J.

This is a Review Petition filed by the State to revise the order passed in W.A.No.2759 of 2018, dated 11.01.2019 by this Court.

2. It is a case of the Review Applicant/State that the Respondent herein who is the Writ Petitioner/Rajeshkumar from Villupuram District was selected as Police Constable. He had suppressed the fact that there was criminal case against him. In the application form, for the Post of Police Constable, there were columns regarding pending criminal cases or cases in which the candidates were involved. In those columns, the Respondent/Writ Appellant/Candidate had stated “no case pending”.

3. Before admitting the candidate, after the selection, on verification by the Police, it was found that the Respondent/Writ Appellant was involved in a criminal case for the offences under Sections 294 (b), 355, 353 and 506(i) of



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WEB COPY IPC in Cr.No.471 of 2013 on the file of the Ulundurpet Police Station, Villupuram District. Therefore, the Inspector of Police of Ulundurpet Police Station had sent a report regarding adverse remarks against the Respondent/Writ Appellant.

4. Based on the said adverse remarks against the Respondent/Writ Appellant, even though he got selected through the written test and the physical test, his name was not considered and the rejection was informed to him. Aggrieved by the same, he approached this Court by filing Writ Petition in W.P.No.7879 of 2018. The learned Single Judge accepting the contention of the learned Special Government Pleader for the State/Superintendent of Police, Villupuram had dismissed the Writ Petition.

5. Aggrieved by the Order of the Writ Court, the Writ Petitioner had filed Writ Appeal in W.A.No.2759 of 2018. The Writ Appeal No.2759 of 2018 was allowed directing the authority concerned to appoint the appellant as Grade-II Police Constable and send him for training along with the batch of police constables, if any undergoing training or in future.



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WEB COPY 6. Aggrieved by the judgment made in the Writ Appeal, the State has filed this Review Application seeking to revise the judgment of this Court made in W.A.No.2759 of 2018 dated 11.01.2019.

7. Mr.P.Kumaresan, learned Additional Advocate General for the Review Applicant/State contended that as per Tamil Nadu Police Subordinate Service Rules, 1955, suppression regarding pending criminal case is a disqualification.

8. The learned Additional Advocate General relied on the ruling of the Hon'ble Supreme Court reported in **2022 SCC OnLine 1300 [Satish Chandra Yadav -vs- Union of India and others]** wherein it has been held as under:

“Service Law – Probation/Probationer – Termination of Service – Suppression of material information – Board principles of law applicable to such cases – Enumerated – On facts held, termination of service of CRPF probationer for suppression of material information of pending criminal case justified.”

9. Here the fact is different. The Respondent/Writ Appellant was a juvenile on the date of alleged criminal case. The criminal case ended in acquittal. Subsequently, the Respondent/Writ Appellant had filed



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Crl.R.C.No.39 of 2018 under Sections 397 and 401 of Cr.P.C. against the judgment of the learned I Additional District Munsif-cum-Judicial Magistrate No.I, Ulundurpettai, Villupuram District, passed in C.C.No.12 of 2014 dated 11.03.2014 to convert the acquittal as honorable acquittal on the ground that the Respondent/Writ Appellant was a juvenile on the date of alleged occurrence i.e., he was aged 17 years and 6 months. In the above-said Criminal Revision Case, in the concluding paragraph, the learned Single Judge of this Court had observed as follows:

“5. The decision of the Apex court in Shah Nawaz vs. State of Uttar Pradesh [AIR 2011 SC 3107] explains that Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, describes four categories of evidence which may be provided as also the order of preference. A reading of Rule 12 makes clear that the matriculation or equivalent certificate has been given the pride of place. The question of juvenility can be raised at any stage. Petitioner produced proof of his having been a juvenile on the date of occurrence giving rise to C.C.No.12 of 2014, by way of Secondary School Leaving Certificate. Therefore, the entire trial against petitioner is vitiated. While so, there is absolutely no difficulty in coming to the aid of petitioner to remove the impediment standing in his way of gainful public employment by informing that his acquittal in C.C.No.12 of 2014 shall be read as honorable acquittal.”

10. Even if there is suppression as stated by the Review Applicant/State, the Tamil Nadu Police Subordinate Service Rules cannot prevail over the Parliamentary intent in enacting the law which is in tune with the object of the International Conference of Juveniles in conflict with law held under the



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auspicious of the United Nations at Beijing, where the Government of India is also a signatory. Since the Respondent/Writ Appellant was not arrested in the case, he had not disclosed the fact. Also, he was of the *bona fide* belief that the case ended in acquittal. Even for the sake of arguments, if there is suppression as per Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015, there cannot be a stigma to the conviction. Already this Court had allowed the Writ Appeal. Therefore, seeking to review the order on the side of the Government will not help the cause of the State. If the arguments of the learned Additional Advocate General is to be accepted, then the Parliamentary intent in passing legislation i.e., Juvenile Justice (Care and Protection of Children) Act, 2015 will be defeated, particularly Section 24, thereby preventing the juvenile in conflict with joining the mainstream of the society. Here the offence is under Sections 294b and 353 of IPC and particularly against the uncle of the Writ Petitioner and in the evidence, the Village Assistant concerned had deposed that on the date of alleged occurrence, there was crowd since she was aware of the names of the individuals there and the uncle of the Writ Petitioner had been visiting her repeatedly for patta transfer, the name was known to her. Therefore, she had



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furnished the name of the uncle of the Writ Petitioner. That cannot be held against the Writ Petitioner/Respondent herein who was aged 17 ½ years on the date of occurrence since he had not completed the age of majority. The Respondent/Writ Appellant has accompanied his uncle to the office of the Village Administrative Officer and even after the case ended in acquittal, the Writ Petitioner had approached this Court in CrI.R.C.No.39 of 2018 for honorable acquittal.

11. The learned Counsel for the Respondent/Writ Appellant invited the attention of this Court to provisions to Section 24 of the Juvenile Justice (Care & Protection of Children) Act, 2015 which is extracted hereunder:

“24. Removal of disqualification on the findings of an offence. - (1) Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children’s Court under clause (i) of sub-section (1) of section 19, the provisions of sub-section (1) shall not apply.

(2) The Board shall make an order directing the Police, or by the Children’s court to its own registry that the relevant records of such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:



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Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court."

12. As per the Provisions of the Juvenile Justice (Care & Protection of Children) Act as amended in 2015, there shall not be a stigma against Juveniles. Even if there is a conviction, the Provision has to be interpreted positively favouring the inclusion of the individual in the mainstream of the society. The legislature in enacting the Juvenile Justice (Care & Protection of Children) Act, in the light of the Beijing conference regarding Juveniles, it has to be considered/interpreted favouring the Juveniles.

13. Under those circumstances, the learned Counsel for the Respondent/Writ Appellant submitted that the case is incriminated as per report of the Inspector of Police where the uncle of the Respondent/Writ Appellant has gone to the Office of the Village Administrative Officer, Arali Village. There was an altercation between the Village Assistant of the Village Administrative Officer and the uncle of the Respondent/Writ Appellant. The Respondent/Writ Appellant has just accompanied him. Based on the altercation, the case was registered as though the uncle of the Respondent/Writ



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Appellant had prevented the Village Assistant from discharging her duty attracting Section 353 of IPC along with Sections 294(b) and 506(i) of IPC were invoked, at the stage of FIR. After investigation, while laying the final report, the offence under Section 506(i) of IPC was dropped. During trial, on appreciation of evidence, the Accused were acquitted. On the date of occurrence, the Respondent/Writ Appellant was aged 17 years and six months and was not an adult. Therefore, the Provisions of the Juvenile Justice (Care & Protection of Children) Act, 2015 was invoked. After the acquittal, the Respondent/Writ Appellant had moved this Court invoking Section 482 of Cr.P.C., for Hon'ble acquittal. This was done to erase any stigma arising out of criminal case. Even if the Respondent/Writ Appellant had not approached this Court under Section 482 of Cr.P.C., still there is no stigma as per Section 24 of the Juvenile Justice (Care & Protection of Children) Act.

14. Mr.K.Ravi Ananda Padmanaban, learned Senior Counsel submitted that after Police selection, if there is acquittal, it need not be a ground to reject the candidature of the individual and he cited the following rulings in support of his contention:



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- (i) ***(1996) 4 SCC 17 [Pawan Kumar -vs- State of Haryana and another].***
- (ii) ***2005 (4) CTC 7 [The Secretary, Vallalar Gurukulam Higher Secondary School -vs- District Educational Officer, Cuddalore].***
- (iii) ***(2011) 4 MLJ 1006 (SC) [Commissioner of Police and others -vs- Sandeep Kumar].***
- (iv) ***2013 (3) MLJ 142 [Sivanesan -vs- The Superintendent of Police, Tiruvannamalai District].***
- (v) The decision of this Court in the case of ***C.Vijayaraj -vs- The Director General of Police and others in W.P.(MD)Nos.1145 of 2010 and batch.***
- (vi) ***2013 SCC OnLine Mad 1365 [P.Mohan -vs- The Director General of Police and others].***
- (vii) ***(2016) 8 SCC 471 [Avtar Singh -vs- Union of India and others].***
- (viii) ***(2018) 1 SCC 308 [Vikram Singh -vs- Commissioner of Police].***
- (ix) The decision of this Court in the case of ***K.Sneha -vs- The Director General of Police and another*** in W.P.No.10788 of 2020.
- (x) The decision of this Court in the case of ***The Director General of Police and another -vs- K.Sneha*** in W.A.No.2046 of 2021.



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(xi) The decision of this Court in the case of ***M.Sivan Sakthi -vs- The Director General of Police and others*** in W.P.(MD)No.11930 of 2020 and batch.

(xii) The decision of this Court in the case of ***The Chairman, Tamil Nadu Uniformed Services Recruitment and others -vs- R.Thendral and another*** in W.A.Nos.1040 and 1055 of 2020.

(xiii) The decision of this Court in the case of ***Sivan Sakthi -vs- The Superintendent of Police*** in W.P.(MD)No.15688 of 2022.

15. While the submissions of the learned Additional Advocate General are based on the Tamil Nadu Police Subordinate Services Rules, the submissions of the learned Counsel for the Respondent/Writ Appellant are based on the Provisions of the Juvenile Justice (Care & Protection of Children) Act, 2015. Section 24 of Provisions of the Juvenile Justice (Care & Protection of Children) Act, 2015 clearly states that there shall not be any stigma even if there is a conviction.

16. The age of the Respondent was 17 years on the date of occurrence and the fact that he had accompanied his uncle with regard to the enquiry in



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the Office of the Village Administrative Officer. The case having been registered against the uncle and nephew and both have been acquitted after contest and on appreciation of evidence. Even if there is Conviction, as per Section 24 of the Juvenile Justice (Care & Protection of Children) Act, 2015 it is not necessary that the Petitioner shall disclose the criminal case since there is no stigma as per the Act. From the angle of a normal human conduct, when the Juvenile in conflict with law had not been convicted, the individual candidate giving details of the criminal case creates apprehension in his mind that his application will be rejected before the selection procedure begins. Therefore, having been acquitted, his application stating that no criminal case pending on the date, is found to attract the Provision of Section 24 of the Juvenile Justice (Care & Protection of Children) Act, 2015. When the Special Act prohibits stigma on the juveniles in conflict with law, the State shall not act contrary to Section 24 of the Juvenile Justice (Care & Protection of Children) Act, 2015 invoking stigma on the very same individual for the criminal case that he faced. This is found unacceptable under the Principle of a Special enactment. The Parliament intended to enact a Special Law to protect the children in conflict with law on the basis of Beijing Conference



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Convention to which India was a signatory. When that be the case, the Review Applicant/State ignoring those developments and sticking on to the age-old practice and claim suppression based on the Tamil Nadu Police Subordinate Service Rules, is found unacceptable.

17.Mr.Ravi Ananda Padmanaban, learned Senior Counsel for the Respondent/Writ Appellant submitted that the alleged criminal offence was committed as a Juvenile. As per the Provisions of Juvenile Justice (Care & Protection of Children) Act, 2015 and also as per the earlier Act, 2000, if the Juvenile is in conflict with law, even if convicted, shall not suffer disqualification. The attempt of the State as Review Petitioner seeking to review the Judgment/Order in W.A.No.2759 of 2018 is against the legislative intent of the Parliament in enacting the Special Act.

18.The candidate seeking employment in Government Service has to give correct particulars and also to undertake the particulars furnished in the Application Form are true and if any suppression of material fact is found out in future, the State can initiate action disqualifying him/her from service. The



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Respondent/Writ Appellant had accordingly signed the undertaking and had stated that he had not faced any criminal cases since he has not been convicted. Therefore, it will not amount to the suppression of material fact as pointed out by Mr.P.Kumaresan, learned Additional Advocate General for the State as Review Petitioner.

19.Mr.Ravi Ananda Padmanaban, learned Senior Counsel for the Respondent would submit that the Respondent viz., Rajeshkumar was not arrested and he, as well as his uncle, had obtained Anticipatory Bail. Further, as a normal prudent human being, he had been in the belief that he is not facing any criminal case as he was not arrested or he has not undergone conviction. Therefore, he was on the *bona fide* belief that he would not face any criminal case. Further, he cited Rules 6, 7 and 8 of the Tamil Nadu Police Subordinate Service Rules, 1955, in which it is clearly stated that in an earlier occasions, even in cases of convictions in which the Probation of Offenders Act was extended, it was not treated as a disqualification. Here, the Respondent/Writ Appellant was acquitted, after full trial.



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20. It is the submission of the learned Additional Advocate General that the acquittal was not an honourary acquittal. It was an acquittal on benefit of doubt. Therefore, it is a disqualification. Also, he would further submit that it is a case where the Respondent/Writ Appellant as well as his uncle are alleged to have abused and assaulted the Village Administrative Officer. Therefore, the FIR in Cr.No.471 of 2013 on the file of Ulundurpet Police Station was registered against them for the offences under Sections 294(b), 353, 506(i) of IPC. For which, the learned Senior Counsel would submit that after the investigation, the offence under Section 506(i) of IPC was dropped. Even in the trial, P.W-1-Village Administrative Officer had clearly stated that there was an Assistant in the Office of the Village Administrative Officer, he was unable to figure out the person who had attacked her. Since the Respondent herein and his uncle used to visit regularly for seeking transfer of Patta, their names were known to her, therefore, she had invoked their names in the FIR and she had clearly stated that they did not attack. When P.W-1 had not at all stated anything incriminating against the Respondent, the submission of the learned Additional Advocate General seeking the review of Judgment is unwarranted.



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21. Even if the Respondent had suffered conviction as per the Provisions of Juvenile Justice (Care & Protection of Children) Act, 2015, there cannot be any disqualification on a juvenile in conflict with law. If the submission of the learned Additional Advocate General is to be accepted, then the Rules go against the Parliamentary intent in enacting the socially beneficial legislations. Therefore, the learned Senior Counsel for the Respondent/Writ Appellant would contend that this Review Application is not maintainable and is to be dismissed in the light of the Provisions of the Juvenile Justice (Care & Protection of Children) Act, 2015. He further submitted that convictions under Sections 294 (b), 353 of IPC were treated as petty offences and were set aside by the Hon'ble Supreme Court. Therefore, in the light of the above, the learned Senior Counsel for the Respondent seeks to dismiss this Review Application and also prays to direct the State to consider the appointment of the Respondent/Writ Appellant.

22. On consideration of the rival submissions, in the light of the Provisions of Juvenile Justice (Care & Protection of Children) Act, 2015 particularly Section 24 of the Act and in the light of the submission made by



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the learned Senior Counsel for the Respondent and on perusal of the rulings cited by the learned Senior Counsel for the Respondent/Writ Appellant, the submission of the learned Additional Advocate General seeking Review is unacceptable and unjustified.

23.If the submission of the learned Additional Advocate General is to be accepted, it amounts to negating the well-intended social legislation namely the Juvenile Justice (Care & Protection of Children) Act, 2015. Also, in the light of the reported ruling of the Hon'ble Supreme Court relied on by the learned Senior Counsel, even after the case of the Respondent/Writ Appellant is to be treated as conviction for the sake of argument, still, the Provision under Sections 294 (b) and 353 of IPC are treated as petty offences. Therefore, the same could be ignored by the candidate himself on the advice of the learned Counsel who appeared for him in the criminal trial. When the case had ended in acquittal, there is no reason to give details regarding facing criminal cases that cannot be treated as suppression of material fact.



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Additional Advocate General, as pointed out by the learned Senior Counsel for the Respondent, in the previous instances they had given the benefit of the Probation of Offenders Act to the persons who have been convicted under Sections 294(b), 353 of IPC treating them as petty offences, the Accused had been considered for appointment.

25. In the light of the fact that after a tough selection procedure, the candidate from rural village, who had passed the written test and physical test and had been successful, had been denied the appointment based on the Tamil Nadu Police Subordinate Service Rules ignoring the Parliamentary intent in enacting the Juvenile Justice (Care and Protection of Children) Act, 2015 which was enacted by the Parliament as a signatory to the Beijing Convention on the Rights of the children under the guidance of the United Nations. Therefore, the submission of the learned Additional Advocate General has to be rejected. Otherwise, it amounts to convicting and attaching the stigma on the Respondent and all the Judicial Orders in favour of the Respondent being thrown to the wind. Therefore, the submission of the learned Additional



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Advocate General is rejected. In the light of the submission of the learned Senior Counsel for the Respondent placing reliance on the rulings cited above are accepted.

26. Here by invoking the Juvenile Justice (Care and Protection of Children) Act the Respondent in this Review Application and the Petitioner in the original Writ Petition had obtained order from the High Court to convert the acquittal as honorable acquittal in the principles of the Juvenile Justice (Care and Protection of Children) Act. Therefore, the Review Application by the State has to be rejected.

27. The appeal by the State in the case of ***The Director General of Police and another -vs- K.Sneha*** in W.A.No.2046 of 2021 to reverse the order of the Writ Court was rejected with the following observations:

“4.3. We find that even in exercise of powers under Section 482 Cr.P.C., discretion could have been exercised in the present case and in any case the discretion exercised by learned Single Judge under Article 226 of the Constitution of India, in the facts of this case, can not be said to be erroneous in any manner, which may call for any interference in exercise of power under Clause 15 of Letters Patent.”



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28. In a similar case in W.P.No.177 of 2013 [*Sivanesan Vs. The Superintendent of Police, Tiruvannamalai District, Tamil Nadu*] the then learned Judge of this Court (Justice K.Chandru) had on the basis of the rulings cited by the learned Counsel for the Petitioner in (2011) 4 SCC 644 [*Commissioner of Police -vs- Sandeep Kumar*]; (2006) 5 SCC 475 [*Lata Singh -vs- State of UP*]; 2008 (2) CTC 97 [*Manikandan -vs- Chairman, Tamil Nadu Uniformed Services Recruitment*]; AIR 2011 Supreme Court 2903 [*Ram Kumar -vs- State of UP*] and (2008) 3 SCC 222 [*State of Haryana -vs- Dinesh Kumar*] had allowed the Writ Petition filed by the said Sivanesan stating as under:

“19. In the light of the above background, the impugned order passed by the Superintendent of Police cannot be justified and hence it is set aside. The respondent is hereby directed to grant an appointment order to the petitioner within a period of three weeks from the date of receipt of copy of this order. Accordingly, the writ petition will stand allowed. No costs. Consequently connected miscellaneous petition stands closed.”

29. In a similar case in W.P.No.1145 of 2010 [C.Vijayaraj -vs- The Director General of Police] the then learned Judge of this Court (Justice R.S.Ramanathan) had on the basis of the rulings cited by the learned Counsel for the Petitioner has held as under:

“9. In the batch of cases, in W.P.(MD)No.474 of 2013 etc., I delivered judgment today, wherein in respect of cases, where the petitioners have



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suppressed their involvement in the criminal cases, either in the application form or during police verification and such persons, who were latter acquitted can be considered for appointments, considering the fact that the Hon'ble Supreme Court has referred the issue, whether a person can be denied a job for suppression of involvement in the criminal case in the application form or during the verification roll to the Larger Bench and set aside the orders of the respondents in rejecting the application on that ground. In these cases also, in respect of the petitioner in W.P.(MD)No.16858 of 2012 in the order, dated 24.08.2010, it was stated that he was eligible to participate in the next recruitment. In W.P.(MD)No.10539 of 2012, the case was compromised between the parties and the witnesses turned hostile and he was acquitted. In W.P.(MD)No.1525 of 2011, the petitioner was acquitted, as the witnesses turned hostile. In W.P.(MD)No.1145 of 2010, the petitioner's offence was compounded and he was acquitted. In W.P.(MD)No.5190 of 2010, the petitioner was acquitted and in all these cases, the petitioners were prosecuted for offences under sections, 294(b), 323, 354, 427, 341 and 506(ii) IPC and such offences could not be characterised as offences involving Moral Turpitude. Though, the petitioners participated in the selection for the year 2007 to 2010, immediately after their rejection, they approached this court by filing the writ petitions and therefore, their candidatures cannot be rejected on the ground that the selection for the year 2007 to 2010 was over.”

30. Under these circumstances, the learned Additional Advocate General seeking to revise the judgment already passed in the Writ Appeal based on the latest judgment of the Hon'ble Supreme Court reported in **2022 SCC Online SC 1300** in the case of **Satish Chandra Yadav -vs- Union of India and Others**, where it was held as follows:

“Service Law – Probation/Probationer – Termination of Service – Suppression of material information – Broad principles of law applicable to such cases - Enumerated – On facts held, termination of service of CRPF probationer for suppression of material information of pending criminal cases justified.”

31. This judgment is the basis for filing the Review Petition seeking review of the judgment already passed by the Division Bench of this Court in



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W.A.No.2759/2018 dated 11.01.2019. The Division Bench judgment in W.A.No.2759/2018 holds good in the light of the section 19 of Juvenile Justice (Care and Protection of Children) Act, 2000, prior to the amendment. As per Section 24 of Juvenile Justice (Care and Protection of Children) Act, as amended in 2015, the facts in the latest ruling of the Hon'ble Supreme Court is not applicable to the facts and circumstances of this case. In the reported ruling of the Hon'ble Supreme Court, it is a suppression of the pending criminal case. It is the contention of the learned Senior Counsel for the Respondent that the Respondent/Writ Petitioner was not at all arrested and he obtained Anticipatory Bail. He was under the impression that the case is not pending since he had been granted Bail. It is the view of ordinary citizen. Further, the learned Senior Counsel submitted that as per Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Parliamentary intent in enacting the legislation has to be considered that there shall not be any stigma against a Juvenile in conflict with law even if convicted. Here it is not conviction, it was acquittal and this Court in the Criminal Revision modified it as honorable acquittal as the Respondent in this Review Petition was a Juvenile before the trial Court. The claim of the juvenility could be



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raised at any stage. Therefore, that was the reason for filing

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Crl.RC.No.39/2018. Under those circumstances, the Review Petition based on the latest ruling will not hold good in the light of the Section 24 of Juvenile Justice (Care and Protection of Children) Act, amended in 2015. Therefore, if the Review is to be accepted, it amounts to ignoring the Parliamentary intent in enacting a progressive legislation whereby the Juvenile in conflict with law is permitted to join the mainstream without stigma. Rehabilitation and social re-integration of the Juvenile in conflict with law to join the mainstream are the main objects of the Act. If the State itself seeks to attach stigma, then the purpose of enacting the Juvenile Justice (Care and Protection of Children) Act, 2015 will be defeated, which the Court of law will not accept. Therefore, grounds of Review do not hold good considering the age of the Respondent/Writ Appellant as Juvenile on the date of the alleged offence and Rule 14(b)(ii) & (iv) of Tamil Nadu Special Police Subordinate Service Rules cannot prevail over the Parliamentary enactment, benefiting a Juvenile in conflict with law. Therefore, the Review Application has to necessarily fail and hence, it is dismissed.

32. If it is to be allowed, it gives a different interpretation thereby



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defeating the Parliamentary intent in passing a progressive legislation. In the light of the observation made by the Hon'ble Supreme Court in the concluding paragraph of Pawan Kumar's case (cited supra), this Review Petition is to be dismissed. The relevant portion of the said judgment is extracted as under:

“14.Before concluding this judgment we hereby draw attention of the Parliament to step in and perceive the large many cases which per law and public policy are tried summarily, involving thousands and thousands of people through out the country appearing before summary courts and paying small amounts of fine, more often than not, as a measure of plea-bargaining. Foremost along them being traffic, municipal and other petty offences under the India; Penal Code, mostly committed by the young and/or the inexperienced. The cruel result of a conviction of that kind and a fine of payment of a paltry sum on plea-bargaining is the end of the career, future or present, as the case may be, of that young and/or in experienced person, putting a blast to his life and his dreams. Life is too precious to be staked over a petty incident like this. Immediate remedial measures are therefore necessary in raising the toleration limits with regard to petty offences especially when tried summarily. Provision need be made that punishment of fine upto a certain limit, say upto Rs.2000/- or so, on a summary/ordinary conviction shall not be treated as conviction at all for any purpose and all the more for entry into and retention in government service. This can brook no delay, whatsoever.

15.As a result of the above discussion, we allow this appeal, set aside the judgment and decree of the High Court as also that of the two courts below and decree the suit of the appellants as prayed for, with costs.”

33. In the light of the above discussion, the **Review Application is dismissed**. In the light of the Parliamentary intent in enacting the Juvenile Justice (Care and Protection of Children) Act, 2015, the Respondent being extended the benefit of Provision to Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015.



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34. As per the judgment in Writ Appeal No.2759 of 2018, the Hon'ble Division Bench had issued directions as follows:

“In the result, the writ appeal is allowed. Order of the writ court dated 9.4.2018 passed in W.P.No.7879 of 2018, is set aside. The concerned authority is directed to appoint the appellant as Grade-II Police Constable and send him for training along with the batch of police constables, if any undergoing training or in future. However, there shall be no order as to costs. Consequently, the connected civil miscellaneous petition is closed.”

Accordingly, we reiterate the same direction to the Review Petitioner/State to consider the appointment of the Respondent/Writ Appellant in the present batch of recruitment of constables that is now proceeding in the State within a period of three weeks from the date of receipt of a copy of this order. No costs.

(R.S.M.J.) (S.S.K.J.)
01.03.2023

Index : Yes / No
Internet : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No
dh/SRM



WEB COPY



Rev. Appln. No.17 of 2023
in W.A.No.2759 of 2018

R.SUBRAMANIAN, J.

AND

SATHI KUMAR SUKUMARA KURUP, J.

dh/SRM

To

The Superintendent of Police,
Villupuram District,
Office of the Superintendent of Police,
Villupuram – 605 602.

**Order made in
Rev. Appln. No.17 of 2023 in W.A.No.2759 of 2018**

01.03.2023