

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TENTH DAY OF JUNE

TWO THOUSAND AND TWENTY SIX

:PRESENT:**THE HONOURABLE SRI JUSTICE K.LAKSHMAN****AND****THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO****I.A.No. 2 OF 2026****IN****CRLA NO: 492 OF 2026****Between**

1. Markandeya Manoj Kumar @ Chintu @ Shiva (A-4), S/o. Ravinder

...PETITIONER

(Appellant in CRLA NO: 492 OF 2026

on the file of High Court)

ANDThe State of Telangana, Rep. by its Public Prosecutor, High Court of
Telangana at Hyderabad**...RESPONDENT**

(Respondents in-do-)

Counsel for the Petitioner : SMT C VASUNDHARA REDDY**Counsel for the Respondent : ADDITIONAL PUBLIC PROSECUTOR**

Petitioner under Section 528 of B.N.S.S. praying that in the circumstances stated in the affidavit filed in support of the CRIMINAL APPEAL, the High Court may be pleased (i) to permit the appellant to raise a plea of Juvenility as an additional ground (ii) to direct the Juvenile Justice Board concerned/the Learned Trial Court to conduct an inquiry into the age of the appellant in terms of Section 9(2) R/W Sec. 94 of Juvenile Justice (care and protection of children) Act 2015 Submit a report and upon determination of Juvenility, set aside the conviction

and sentence passed against the appellant, pending disposal of CRLA No 492 of 2026, on the file of the High Court.

The Court made the following

ORDER

It is the specific contention of learned counsel for the petitioner that the petitioner's date of birth is 27.08.2003. In proof of the same, she has filed copy of Birth Certificate dated 17.09.2021 issued by the Registrar of Births and Deaths, Circle-14, GHMC. The alleged incident was in the intervening night of 11/12.08.2021. Therefore, he was 17 years 11 months and 14 days as on the date of alleged incident.

Whereas, learned Additional Public Prosecutor, on instructions, would submit that even in Aadhar Card of the petitioner, his year of the birth is mentioned as 2003 and the copy of Age Certificate issued by the Civil Assistant Surgeon Specialist, District Hospital, Malkajgiri, Medchal - Malkajgiri District shows the age of the petitioner would be between 18-20 years.

It is settled principle of law that juvenility can be raised at any stage. The said principle was also laid down by the Hon'ble Supreme Court in Hariram v. State of Rajasthan [(2009) 13 SCC 211]; Ashok v. State of Madhya Pradesh [SLP (Crl) No.643 of 2020]; Aswin Kumar Saxena v. State of Madhya Pradesh [(2012) 9 SCC 750] and Subramanyaswamy v. Raju [(2014) 8 SCC 390] and this Court in Abdul Asif v. State of Telangana [Crl.R.C. No.273 of 2019, dated 18.07.2023].

In the light of the above, learned II Additional District and Sessions Judge, Medchal - Malkajgiri District at Medchal, is directed to determine the age of the petitioner - accused No.4 in S.C. No.1605 of 2022, and submit report. Liberty is granted to the petitioner - accused No.4 as well as the State to take all the pleas and contentions which they have raised in the present application before learned Sessions

Judge, and it is for the learned Sessions Judge to consider the same and submit a report.

This application is accordingly ordered.

Sd/- S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The II Additional District and Sessions Judge, Medchal-Malkajgiri District at Medchal (by Sp. Messenger)
2. The Section Officer, Criminal Section, High Court for the State of Telangana, Hyderabad
3. One CC to SMT C VASUNDHARA REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. One spare copy

HIGH COURT

**KL, J
&
BRMR, J**

DATED: 10-06-2026

ORDER

**I.A.No. 2 OF 2026
IN
CRLA NO: 492 OF 2026**

DIRECTION

