



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 10780 of 2024**

Suneeta

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

---

Counsel for Appellant(s)

: Shiv Singh

Counsel for Respondent(s)

: G.A., Ranjeet Singh

---

**Court No. - 54**

**HON'BLE MRS. VANI RANJAN AGRAWAL, J.**

**Ref:- Criminal Misc. Application No.5 of 2025**

1. Heard Shri Shiv Singh, learned counsel for the appellant and learned A.G.A. for the State-respondents.
2. This application has been filed seeking declaration of the appellant namely Suneeta as a juvenile at the time of passing of the impugned judgment and conviction order dated 25.09.2024.
3. At the very outset, learned counsel for appellant submitted that at the time of alleged occurrence, the appellant was minor, which is clear from the mark-sheet of the Class 10<sup>th</sup> in which her date of birth is 10.01.2003. It is submitted that although this plea could not be raised before the trial court due to lack of proper legal assistance, the appellant possesses documentary material indicating that the age of appellant on the date of occurrence was below 18 years.
4. Learned AGA submitted that the claim of juvenility is a matter requiring factual verification on the basis of admissible document as well as medical opinion and therefore, State has no objection, if the matter is remitted for age determination in accordance with law.
5. Having considered the contention of both the parties and the mandate under Section 9(2) of Juvenile Justice(Care and Protection of Children) Act, 2015 and the fact that the plea of juvenility may be raised at any stage even after final disposal of the case, this Court is duty bound to make an enquiry to determine the age of the accused.

6. This Court finds that the claim of juvenility cannot be brushed aside without proper enquiry. The statute obliges the Court to examine the claim and if required, refer the matter to the competent authority for determination of age as per procedure laid down in Rule 10 of Juvenile Justice Model Rules and Section 94 of the Act. The plea of juvenility raised by the appellant involves factual determination which is to be done by the Juvenile Justice Board being a competent authority under law.

7. Accordingly, this Court considers it appropriate to remit the matter to the Juvenile Justice Board, Chitrakoot for conducting enquiry regarding age of the appellant namely Suneeta on the date of alleged occurrence. The enquiry shall be completed preferably within three months from the date of receipt of this order and the report/finding of the Juvenile Justice Board shall be transmitted to this Court immediately thereafter.

8. Let trial court record be sent forthwith alongwith copy of this order to the Juvenile Justice Board, Chitrakoot for compliance.

9. The present appeal shall be listed for further orders upon receipt of the report.

**November 18, 2025**  
Pravesh Mishra

**(Mrs. Vani Ranjan Agrawal,J.)**