



2026:AHC:64333

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. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. Heard Sri Shiv Singh, learned counsel for the appellant and Sri Rahul Asthana, learned A.G.A. for the State. However, none appeared on behalf of respondent.

2. This Criminal Appeal has been preferred against the judgment and order dated 25.09.2024 passed by Additional Sessions Judge (Fast Track Court), Chitrakoot in Session Case No.133 of 2020, State Vs. Vinod and others, arising out of Case Crime No.10 of 2020, under Sections 498A, 304B/149 I.P.C. and Section 4 of the Dowry Prohibition Act, Police Station- Pahadi, District- Chitrakoot, by which accused person including juvenile Suneeta were convicted for offence under Section 304-B /149, 498A I.P.C. and Section 4 of Dowry Prohibition Act and sentenced to undergo rigorous imprisonment as directed by the Session Court along with fine.

3. During the course of hearing, the plea of juvenility was raised on behalf of the appellant Suneeta, contending that she was below 18 years of age on the date of incident, and, therefore, could not have been tried by the Session Court. In view of the aforesaid contentions, this Court by previous order dated 18.11.2025, deemed it appropriate to refer the matter to the Juvenile Justice Board for determination of the age of the appellant in terms of the settled principles laid down by the Hon'ble Apex Court.

4. The Juvenile Justice Board, after conducting the due inquiry had submitted its report dated 24.02.2026, holding that the appellant Suneeta was below 18 years of age on the date of occurrence and thus is a juvenile in conflict with law.

5. The issue that arises for consideration is whether the conviction and sentence recorded by the Sessions Court can be sustained in light of the subsequent determination of juvenility. The law on this point is no longer *res integra*. In Itari Ram Vs. State of Rajasthan, (2009) 13 SCC 211, the Hon'ble Supreme Court held that a claim of juvenility can be raised at any stage, even after the final disposal of the case, and if the accused is found to be a juvenile on the date of occurrence, the benefit of the Juvenile Justice Act

must be extended. Similarly, in *Dharamveer Vs. State* (NCT of Delhi), (2010) 5 SCC 344, it was observed that when a person is called to be a juvenile at the time of commission of offence, the sentence imposed by regular court cannot be sustained and the matter must be dealt with in accordance with the provisions of the Juvenile Justice Act.

6. In *Abuzar Hossain @ Gulam Hossain Vs. State of West Bengal*, (2012) 10 SCC 489, the Hon'ble Apex Court reiterated that the determination of juvenility has overriding the effect and the conviction and sentence passed by a Court not competent under the Juvenile Justice Act cannot stand. Applying the aforesaid principles to the facts of the present case and in view of categorical finding returned by the Juvenile Justice Board that appellant Suneeta was below 18 years of age at the time of incident, it is evident that she was a juvenile in conflict with law. Consequently, the conviction and sentence recorded by the learned Sessions Court against the appellant Suneeta under Sections 498A, 304B I.P.C. and Section 4 of Dowry Prohibition Act are unsustainable and liable to be set aside. However, having regard to the mandate of the Juvenile Justice (Care and protection of Children) Act, 2015 the matter is required to be remitted to the Juvenile Justice Board for passing an appropriate order in accordance with law.

7. The appeal, in so far as it relates to the appellant Suneeta, is allowed.

8. The conviction and sentence of the appellant Suneeta recorded by the Additional Sessions Judge (Fast Track Court), Chitrakoot in Session Case No.133 of 2020, arising out of Case Crime No.10 of 2020 is hereby set aside.

9. The case of Suneeta is remitted to the Juvenile Justice Board for appropriate order with direction that the Board shall conduct a fresh inquiry/trial in accordance with law, strictly following the provisions of the act. While undertaking such fresh inquiry, the Board shall afford full opportunity to adduce evidence to both sides and consider all the relevant evidences and pass a reasoned order on merits uninfluenced by the findings recorded by the Sessions Court.

10. The appeal with respect to the rest of the appellants shall be considered and decided on merit separately.

March 20, 2026

P. Pandey

(Mrs. Vani Ranjan Agrawal,J.)