

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.(S). 1848 OF 2014

(Arising out of Crl.M.P. Nos.3211 and 3212 of 2013 in  
SLP(Crl.)No.1610 of 2007)

UMED SINGH

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

O R D E R

For the reasons stated in the Application (Crl.M.P.No.3211 of 2013) for Directions, the special leave petition is restored to its original number and order dated 8<sup>th</sup> January, 2010 recalled.

Leave granted.

The appellant was convicted by the trial court for an offence punishable under Section 323 read with Section 34 of the Indian Penal Code and sentenced to undergo imprisonment for a period of six months. In an appeal preferred by him against the said conviction and sentence, the High Court of Punjab and Haryana at Chandigarh affirmed the view taken by the trial court both as regards the guilt of the appellant as also the sentence awarded to him.

When the matter intially came up for preliminary hearing before us on 4<sup>th</sup> October, 2013, learned counsel for the

appellant drew our attention to CrI.M.P. No.3211 of 2013 in which the appellant claimed to be a juvenile as on the date of the occurrence. Reliance in support of that contention was placed by the appellant upon a certificate issued by the High School certifying the appellant's date of birth to be 17<sup>th</sup> October, 1973. This Court prima facie felt that the material placed on record justified an inquiry into the claim of juvenility of the appellant under Section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000 read with Rule 12 of the Rules framed thereunder. The trial court was accordingly directed to hold an inquiry into the matter, summon the relevant record and examine witnesses, if necessary, and submit a report to this court as to the true and correct age of the appellant as on the date of the commission of the offence. The report submitted by the trial court reveals that the appellant was indeed born on the date mentioned in the school certificate and was therefore a minor as on the date of the occurrence. We had by our order dated 7<sup>th</sup> February, 2014 granted an opportunity to the parties to file their responses to the Report received from the trial court. Since the report is in favour of the appellant and vindicates his claim of being

a juvenile on the date of the occurrence, no objection as such have been filed by him. The State of Haryana has also not filed any response to the report.

In the circumstances, therefore and in view of the Report received from the trial court which we see no reason to reject the appellant is held to be a juvenile as on the date of the occurrence being only 16 years and 7 months old. That being so the sentence awarded to him shall have to be set aside.

We accordingly allow this appeal but only to the extent that while upholding the conviction of the appellant under Section 323 I.P.C, we set aside the sentence awarded to him. The appellant who is not about 40 years old has been released on interim bail granted by us in terms of our Order dated 7<sup>th</sup> February, 2014. In the light of the order we have made, the bail bonds shall stand discharged.

The appeal is disposed of in the above terms.

.....J  
(T.S. THAKUR)

.....J  
(R. BANUMATHI)

NEW DELHI  
DATED 26<sup>th</sup> AUGUST, 2014



ITEM NO.8

COURT NO.3

SECTION IIB

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 (Crl.) No(s). 1610/2007

(Arising out of impugned final judgment and order dated 07/08/2006 in CRLA No. 521/1998 passed by the High Court Of Punjab & Haryana At Chandigarh)

UMED SINGH

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

Date : 26/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. N.M. Popli, Adv.  
Mrs. B. Sunita Rao, Adv.

For Respondent(s) Mr. Ramesh Kumar, Adv.  
Mr. Amit Arjariya, Adv.  
Ms. Naresh Bakshi, Adv.

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

In terms of the signed order, special leave petition restored to its original number, leave granted and the appeal is disposed of:

"For the reasons stated in the Application (Crl.M.P.No.3211 of 2013) for Directions, the special leave petition is restored to its original number and order dated 8<sup>th</sup> January, 2010 recalled.

Leave granted.

. . .

We accordingly allow this appeal but only to the extent that while upholding the conviction of the appellant under Section 323 I.P.C, we set aside the sentence awarded to him. The appellant who is not about 40 years old has been released on interim bail

granted by us in terms of our Order dated 7<sup>th</sup> February, 2014. In the light of the order we have made, the bail bonds shall stand discharged.

The appeal is disposed of in the above terms."

(Mahabir Singh)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)