

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 1402 OF 2003

UNION OF INDIA

Appellant (s)

VERSUS

SAALIM

Respondent(s)

Date: 21/05/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

HON'BLE DR. JUSTICE B.S. CHAUHAN

(Vacation Bench)

For Appellant(s)

Mr. W.A. Qadri, Adv.

Ms. Sadhana Sandhu, Adv.

Mr. S.N. Terdal, Adv.

for Ms. Sushma Suri, Adv.

For Respondent(s)

Mr. Varinder Kumar Sharma, Adv.

UPON hearing counsel the Court made the following
ORDER

Heard the learned counsel for the parties.

The appeal is without any merit and the same is dismissed in
terms of the signed order.

(A.S. BISHT)
MASTER

(PHOOLAN WATI ARORA) COURT
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1402 OF 2003

UNION OF INDIA

... APPELLANT(S)

:VERSUS:

SAALIM

... RESPONDENT(S)

ORDER

This appeal has been filed by the Union of India being aggrieved

by and dissatisfied with the judgment and order dated 30.7.2002 passed by the Allahabad High Court, whereby the High Court has held that the respondent herein was below 18 years of age on the date of the alleged commission of the offence in question. In that view of the matter, a direction was issued by the High Court that the case of the respondent herein would be dealt with in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.

The aforesaid order of the High Court and the directions issued therein are under challenge in this appeal on which we have heard the learned counsel appearing on behalf of the appellant as also the learned counsel for the respondent.

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The respondent was arrested for alleged commission of an offence under Section 8/18 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

Before the Special Judge, a contention was raised on behalf of the respondent that he was a juvenile within the meaning of the Juvenile Justice Act of 2000. The aforesaid claim of the respondent was supported by a certificate issued by the school on the basis of the School Leaving Register. If the age of the respondent is computed on the basis of the said certificate issued by the school on the basis of the School Leaving Register and he is found to be a juvenile on the date of the alleged commission of offence, he was entitled to the benefits as provided under the Juvenile Justice Act of 2000.

The Trial Court, however, ignored the entries made in the School Leaving Register and relying on the entries made in the Pariwar Register and the medical certificate, and on making its own assessment on the basis of the general appearance of the respondent, held that the respondent was not a juvenile on the date of commission of offence.

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The aforesaid findings of the Trial Court were held to be

erroneous and illegal by the High Court for according to the High Court, emphasis should have been given and reliance should have been placed on the School Leaving Register which is one of the recognized and authentic documents for the purpose of determining the age of a person.

The findings arrived at by the High Court appear to be cogent and reasonable. An order was also passed as far back as 2002 directing that the case of the respondent be dealt with in accordance with the provisions of Juvenile Justice Act of 2000. Seven years have passed by. The trial of the case must have been completed by now, although counsel for the respondent submits that he has no instruction in this regard.

Be that as it may, we do not wish to interfere with the findings arrived at by the High Court as we have already held that the findings of the High Court are based on cogent reasons and it does not suffer from any infirmity. We, therefore, hold that this appeal is without merit and the same is dismissed.

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We, however, observe that if the case of the respondent is still pending in the Juvenile Court, the same shall be expedited and shall be completed within a period of six months from the date of receipt of a copy of this order.

.....J
(Dr. MUKUNDAKAM SHARMA)

.....J
(Dr. B.S. CHAUHAN)

NEW DELHI,
MAY 21, 2009.