

ITEM NO.75

COURT NO.10

SECTION II

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

CRLMP Nos. 857 & 859/2015 in Criminal Appeal No(s). 662/2006

SURENDRA PAL & ORS.

Appellant(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(For raising issue of juvenility and exemption from filing O.T. and office report)

Date : 11/05/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. Balaji Srinivasan, Adv. (A.C)

For Respondent(s) Mr. Ratnakar Dash, Sr. Adv.
Mr. Abhish Kumar, Adv.
Mr. Vaibhav Yadav, Adv.

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

Learned counsel for the applicant/appellant submits that the applicant was a 'juvenile/minor' on the date of incident.

In order to verify the veracity of the submission made by the learned counsel for the applicant, at the first instance, an appropriate enquiry requires to be made by the learned District Judge as envisaged under the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short, 'the Act') and Rules framed thereunder.

Contd. 2..

In view of the above, we direct the learned jurisdictional District Judge to enquire and confirm the date of birth of the applicant as envisaged under the Act and submit his report as expeditiously as possible, at any rate, within the outer limit of eight weeks from the date of receipt of a copy of this Order.

The Superintendent, Central Jail, Agra, U.P., is directed to forward a copy of the certificate of the Chief Medical Officer, District Medical Board Agra to the learned jurisdictional District Judge for his consideration. Learned jurisdictional District Judge is also directed to inform the complainant in the proceedings.

Parties are at liberty to adduce evidence in support of their claim and counter claim.

The District Legal Services Authority to provide legal assistance to the applicant.

The Registry is directed to send a copy of this Court's Order to the learned District Judge, the Superintendent, Central Jail, Agra and also Member Secretary of the District Legal Services Authority, Agra for appropriate action.

List the matter after receipt of the report from the learned District Judge.

(S. K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER