

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 37 OF 2012

MOHAMMED ASLAM @ KUYIAN

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 20/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Mr. Ratnakar Dash, Sr. Adv.  
Mr. Arif Hanif, Adv.  
Mohd.Irshad Hanif, Adv.

For Respondent(s)

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

The petitioner, who is convicted under Section 302 of the Penal Code and is undergoing the sentence of life imprisonment, has filed this petition under Article 32 of the Constitution of India claiming that on December 25, 1975 (the date of the occurrence), he was a minor as his date of birth is July 22, 1961. In support of the claim, he first filed a certificate from the Primary School Bara (First), Zone Akberpur, District Ramabai Nagar, Uttar Pradesh, in which his date of birth is given as June 22, 1961. The Certificate was obtained on November 25, 2011.

We were not satisfied with the certificate enclosed with the writ petition and we asked the counsel to file a copy of the School Register, on the basis of which the certificate was issued. In pursuance of the direction, a supplementary affidavit is filed enclosing a xerox copy of the extract from the Admission Register of the School in which his date of birth is shown as June 22, 1961. His name was struck off the roll on August 31, 1971 on account of his continued absence.

We direct the District Magistrate, Ramabai Nagar, to have an enquiry made with regard to the correctness and genuineness of the School Register.

A report from the District Magistrate should reach this Court within four weeks from today.

Put up immediately on receipt of the report.

(N.S.K. Kamesh)  
Court Master(Sneh Bala Mehra)  
Court Master