

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

Petition(s) for Special Leave to Appeal (Crl) No(s).2629/2012

(From the judgement and order dated 24/11/2011 in CRLA No.418/2006, of The HIGH COURT OF PATNA)

RAMJI PRASAD JAISWAL & ORS.

Petitioner(s)

VERSUS

STATE OF BIHAR TR.CBI

Respondent(s)

(With appln(s) for bail,exemption from filing O.T.,directions,suspension of sentence,permission to file additional documents and office report ))

Date: 21/09/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. N.Rai, Sr. Adv.

Mr. Rauf Rahim,Adv.

For Respondent(s)

Mr. Rajiv Nanda, Adv.

Mr. Prabhat Kumar, Adv.

Mr. P.K.Dey, Adv.

Mr. Shubham Aggarwal, Adv.

Mr. Arvind Kumar Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

Petitioner No. 3 has filed Crl.M.P. No. 11269 of 2012 inter alia pointing out that he was a juvenile within the meaning of The Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of the commission of the offence. He has in support of that assertion placed reliance

upon two documents one of which happens to be the matriculation certificate issued by the Bihar School Examination Board. According to that certificate petitioner No. 3 was born on 24.12.1965 meaning thereby that he was around 17 years of age in December, 1982 when the offence in question was allegedly committed by him. On 17.08.2012, when this special leave petition came up for orders before us we had directed Mr. H.P.Raval, Additional Solicitor General to take instructions as to the genuineness of the certificate relied upon by the petitioner. Mr. Rajiv Nanda, learned counsel for the respondent-CBI today submits on instructions that according to the priliminary inquiry made by the CBI, Patna the certificate relied upon by the petitioner in the application has been found to be genuine. That being so, a case for holding an inquiry under Section 7A of the Act in

regard to juvenility of petitioner No. 3 has been made out. We accordingly direct the Special Judge to conduct an inquiry in terms of Section 7A of The Juvenile Justice (Care and Protection of Children) Rules, 2007, summon the requisite documents from the Board of Secondary Education, record other evidence if any produced in regard to the question of juvenility of petitioner No. 3, record a finding on the question and submit a report to this Court expeditiously but not later than three months from the date a copy of this order is received by the said court.

Mr. Nagendra Rai, learned counsel for petitioner No. 3 submits that petitioner No. 3 shall appear before the trial court if enlarged on bail and also produce the original certificates relied upon by him in support of his

claim. Mr. Rai further contends that petitioner No. 1, Ramji Prasad is nearly 72 years old with multiple ailments and has already undergone seven years of imprisonment. So also petitioner No. 2, Ashok Kumar Jaiswal has undergone seven months imprisonment out of a total of three years awarded to them. He further states that out of total amount of Rs. 13,29,266/- allegedly swindled by the petitioners, not a penny has been received or misappropriated by the petitioners in this appeal even according to the prosecution. Appellant Shiv Narain Banshal in the connected appeal is said to have received Rs. 12,57,000/- while the remaining amount was taken away by one other accused person who has since died. He urged that keeping in view the totality of the circumstances the petitioners deserve to be enlarged on bail. Prima facie we find merit in that contention. We accordingly direct that Ramji Jaiswal, Ashok Kumar and Bal Mukund shall stand released on bail on their furnishing bail bonds in a sum of Rs. 20,000/- with two sureties each in the like amount to the satisfaction of the trial court. The remainder of the sentence awarded to the said petitioners shall on that condition remain suspended. The petition shall be listed for final hearing on a non-miscellaneous day after the report is received from the trial court. A copy of this order shall be forwarded to the CBI, Patna for appropriate action.

|(Shashi Sareen)  
|Court Master

|(Veena Khera)  
|Court Master

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