

ITEM NO.2

COURT NO.3

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.3022/2015 in Criminal Appeal No(s).84/2000

STATE OF U.P.

Appellant(s)

VERSUS

DESH RAJ

Respondent(s)

(For directions and office report)

Date : 11/11/2016 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE L.NAGESWARA RAO

Amicus Curiae (s) Mr. Milind Kumar, Adv.

For Appellant(s) Mr. Abhishth Kumar, Adv.

Mr.Vibhu Tiwari, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

For Respondent(s)

Upon hearing the counsel the Court made the following

O R D E R

We have perused the Report dated 04.10.2016, submitted by the Officer In-charge, Additional District and Sessions Judge, District Mainpuri, Uttar Pradesh, pertaining to the issue of juvenility of the applicant. For determining the juvenility of the applicant, the Officer In-charge, vide his Report dated 04.10.2016, has taken into consideration only one document i.e. the School Leaving Certificate. In terms of Rule 12 of the Juvenile Justice (Care & Protection of Children) Rules, a School Leaving Certificate is not a relevant document to determine the juvenility of the accused. Having taken into consideration just the above

certificate, the Officer In-charge, by his Report dated 04.10.2016, arrived at the conclusion, that the applicant was a juvenile on the date of occurrence i.e. on 21/22.02.1979.

In view of the fact, that the consideration was based on an irrelevant document, we are of the view, that the Report dated 04.10.2016 cannot be accepted. The same is accordingly rejected. The issue of juvenility is accordingly decided against the applicant.

Cr1.MP No.3022 of 2015 is accordingly dismissed.

(SATISH KUMAR YADAV)
AR-CUM-PS

(CHANDER BALA)
COURT MASTER