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ITEM NO. 1

COURT NO.4

SECTION II

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).2515/2013

(From the judgement and order dated 19/02/2013 in CRLR No.402/2012, of The HIGH COURT OF JUDICATURE AT ALLAHABAD, BENCH AT LUCKNOW)

SHAHID ALI BEG Petitioner(s)

VERSUS

STATE OF U.P.& ANR Respondent(s)

(With appln(s) for ex-parte stay, exemption from filing O.T. and office report)

Date: 29/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Mr. Altaf Ahmad, Sr. Adv.

Mr. Shakil Ahmed Syed, Adv.
Mr. Mohd. Parvez Dabar, Adv.
Mr. S.A. Saud, Adv.

For Respondent(s)

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

Pursuant to the directions issued by this Court dated 15.07.2013, Smt. Kalpana Srivastava, Principal of Exon Montessori Inter College, Lucknow is present before us. She produces the application for admission filed by the parent of accused/ petitioner i.e. Shahid Ali Beg. In the said application for admission, the date of birth of the accused/ petitioner is shown as 12.02.1992.

Thereafter, the Principal produces the Scholars Register and Transfer Certificate. In the column meant for the date of birth, the date of birth of the accused/ petitioner is mentioned as 12.02.1992.

The Principal also produces before us the Attendance Register for the Academic Year, 1997-98. There again, the date of birth of the accused/ petitioner is shown as 12.02.1992.

It is the case of Shri Altaf Ahmed, learned senior counsel that the date of birth of the petitioner is 12.02.1992 and the date of alleged incident is 02.12.2009. Therefore, according to learned senior counsel the petitioner was a juvenile on the date of incident and the High Court ought to have considered the plea of the accused/ petitioner insofar as the juvenility of the petitioner is concerned.

In our opinion, the claim of the petitioner at the first instance requires to be looked into by the learned District Judge as envisaged

under Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 ("the rules", for short) as amended by the Amendment Rules, 2011.

In view of the above, we now direct the learned District and Sessions Judge, Lucknow to enquire and confirm the date of birth of the accused/ petitioner either himself or by assigning the said work to the learned Additional District and Sessions Judge, Lucknow as required under Rule 12 of the Rules and submit its report as expeditiously as possible, at any rate within two months' time from the date of receipt of a copy of this court's order.

The presence of the Principal of the aforesaid school is dispensed with for the present.

List the matter after two months.

Ordered accordingly.

| [Charanjeet Kaur]
| Court Master

| [Vinod Kulvi]
| Asstt. Registrar

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