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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 682 OF 2005

ABDUL MUNIM ... APPELLANT

VERSUS

STATE OF ASSAM ... RESPONDENT

O R D E R

Appellant was held guilty for offence under Section 397 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for seven years and a fine of Rs. 1,000/-, with default clause, along with other accused persons. All of them preferred an appeal and the Gauhati High Court by the impugned judgment and order dated 7.01.2004 had dismissed the appeal and maintained their convictions. It is against this order that the appellant herein has preferred this appeal with the leave of the Court.

When the matter was taken up on 23.01.2013, the only plea raised by the appellant was that he was a juvenile on the date of the incident and, therefore, he has to be treated under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Taking note of the aforesaid submission, this Court, by the aforesaid order, directed the Sessions Judge, Karimganj, to either himself or through an Additional Sessions Judge cause an inquiry into the age of the appellant.

In the light of the aforesaid order, the Sessions Judge, Karimganj, had held an inquiry and submitted a detailed Report dated 20.05.2013. In the report, the learned Sessions Judge has stated that the claim made by the appellant that he was a juvenile on the date of the incident is unfounded.

Mr. S.B. Sanyal, learned Senior Counsel appearing on behalf of the appellant, attempted to assail the aforesaid conclusion of the learned Sessions Judge.

We have gone through the report of the Sessions Judge and we find that he had meticulously examined the material and came to the conclusion that the claim of the appellant is incorrect. We are in agreement with the report of the learned Sessions Judge and, accordingly, the claim made by the appellant deserves to be rejected.

Mr. Sanyal then submits that after rejection of the plea of the appellant based on entry in the School Register, the learned Judge ought to have referred the appellant for medical examination. Appellant claimed to be juvenile on the basis of entry into the School Register. That was found to be manipulated. In such circumstance, there was no necessity to refer the appellant for medical examination. Hence we reject this submission of Mr. Sanyal.

The appellant is on bail. His bail bond is cancelled. He is directed to surrender forthwith to serve out the remainder of his sentence, failing which, the trial court shall ensure that he is taken into custody to serve out the sentence.

In the result, we do not find any merit in the appeal and it is dismissed, accordingly, with the direction aforesaid.

.....J.
(CHANDRAMAULI KR. PRASAD)

.....J.
(JAGDISH SINGH KHEHAR)

New Delhi;
September 25, 2013

ITEM NO.105 COURT NO.8 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 682 OF 2005

ABDUL MUNIM Appellant (s)

VERSUS

STATE OF ASSAM Respondent(s)
(With office report)

Date: 25/09/2013 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Mr. S.B. Sanyal, Sr. Adv.
Mr. Azim H. Laskar, Adv.
Mr. Abhijit Sengupta,Adv.

For Respondent(s) Mr. Avijit Roy, Adv.
for M/S Corporate Law Group, Advs.

UPON hearing counsel the Court made the following

O R D E R

The appellant is on bail. His bail bond is cancelled. He is directed to surrender forthwith to serve out the remainder of his sentence, failing which, the trial court shall ensure that he is taken into custody to serve out the sentence.

The appeal is dismissed in terms of the signed order.

(S.K. Rakheja) Court Master	(Indu Satija) Court Master

(Signed order is placed on the file)