

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 (CrI)... /2005

CRLMP.NO(s). 7766

(From the judgement and order dated 25/10/2004 in SBCRL No. 406/2003  
of The HIGH COURT OF RAJASTHAN BENCH AT JAIPUR)

MOTI SINGH

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

With CrI.M.P. 7766/2005 (C/delay in filing SLP and C/delay in refiling SLP  
and office report)

Date: 01/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Jitendra Singh Tanwar, Adv.

Mr. Mohan Pandey, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The only plea raised by the learned counsel for the peti  
tioner is that the petitioner was a

juvenile as per definition contained in the Juvenile Justice (Care a  
nd Protection of Children) Act, 2000

which came into force during the pendency of the trial. Admittedly,  
the petitioner was not a juvenile as

per definition contained in Clause (h) of Section 2 of the Juvenile Justice Act, 1986 as he was more

than 16 years of age on the date of offence. However, the definition has undergone a change and the

petitioner claims to be juvenile being between 16 years and 18

...2/-

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years of age on the date of commission of offence and hence a juvenile as defined in Clause (k) of

Section 2 of the Juvenile Justice (Care and Protection) Act, 2000. Such a plea was not taken in the

High Court and has not been taken as a ground in the petition for special leave and the same cannot be

permitted to be urged for the first time at the time of hearing. We are fortified in taking this view by

the decision of this Court in Shiv Shankar Vs. State of U.P. 2001 (10) SCC, 472.

Delay condoned.

The special leave petition is dismissed.

(Ajay Kr. Jain)  
(Radha R. Bhatia)

Court Master  
Court Master