

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).4262/2011

(From the judgement and order dated 03/12/2010 in CRLA No.637/2007, of The HIGH COURT OF A.P AT HYDERABAD)

KAMBALAPALLI RANGA REDDY

Petitioner(s)

VERSUS

STATE OF A.P.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,bail and placing addl. pleas and office report)

WITH SLP(Crl) NO. 4281 of 2011

(With appln(s) for exemption from filing c/c of the impugned Judgment,bail and placing addl. pleas and office report)

SLP(Crl) NO. 4311 of 2011

(With appln(s) for exemption from filing c/c of the impugned Judgment,bail and placing addl. pleas and office report)

SLP(Crl) NO. 4329 of 2011

(With appln(s) for exemption from filing c/c of the impugned Judgment,bail and placing addl. pleas and office report)

SLP(Crl) NO. 8482 of 2011

(With appln(s) for exemption from filing c/c of the impugned Judgment,bail and placing addl. pleas and office report)

Date: 30/08/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. V.Sridhar Reddy, Adv.

Mr. V.N. Raghupathy,Adv.

Ms. Asha Gopalan Nair, Adv.

Mr. Abhishek Kumar Pandey, Adv.

For Respondent(s)

Mr. ATM.Rangaramanujam, Sr. Adv.

Mr. D. Mahesh Babu,Adv.

Mr. Amit K.Nain, Adv.

Mr. Amjid Maqbool, Adv.

MS.Suchitra Hrangkhaul, Adv.

UPON hearing counsel the Court made the following

O R D E R

By our order dated 07.05.2012 we had directed the petitioner who claims to be a juvenile on the date of occurrence to produce the relevant certificates before the Registrar of this Court with a direction to the Registrar to verify their genuineness by

making a reference to the concerned school/Board authorities. After receipt of a report from the Registrar we had by another order dated 24.09.2012 directed an inquiry to be conducted into the claim of juvenility made by the applicant in terms of Section 7A read with Sections 14 and 15 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The enquiry was entrusted to the Juvenile Justice Board. The Board was also required to examine the genuineness of the documents produced before it on behalf of the petitioners. A final report dated 27.09.2012 has now been submitted by the Juvenile Justice Board, Kunoor, from a reading whereof it appears that the Board has on the basis of the statements recorded by it as also copies of the documents received from this Court come to the conclusion that the said documents are genuine. The report however does not determine the question whether the claim of juvenility made by the applicant on the basis of said documents can be accepted having regard to the provision of Section 7A read with Sections 14 and 15 of the Act and the

Rules framed thereunder. From report it further appears that the original documents relied upon by the applicants were not produced before the Board by the applicant.

Mr. Rangaramanujam, learned senior counsel for the respondent-State submitted that the Board did not even issue notice to the State or the prosecutor before the Board to appear and cross examine the witnesses or produce evidence to show that the claim made was unfounded.

In the circumstances and keeping in view the fact that the report submitted by the Board does not satisfy the requirement of a proper inquiry in terms of Section 7A read with Sections 14 and 15 and the rules framed under the Act, we are inclined to direct a fresh inquiry to be conducted by the trial court in regard to the claim of juvenality made by the applicants. The trial court shall receive the original certificates if any produced by the applicant determine the genuineness of the said documents and record a finding whether the applicants were juveniles on the date of the occurrence. The trial court shall while doing so issue notice to the public prosecutor concerned and associate him with the inquiry giving him an opportunity to cross examine the witnesses and lead evidence in rebuttal, if any,

The record relating to the inquiry earlier conducted by the Juvenile Justice Board shall be transmitted to the trial court. The Trial court shall expedite the completion of the inquiry and submit a report to this Court

as far as possible within a period of three months from today.

Mr. Rangaramanujam may in the meantime file his objections to the bail application within four weeks.

(Shashi Sareen)
Court Master

(Veena Khera)

Court Master