

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRL.MISC.P. NOS. 24477-24479/2014  
& 24480-24482/2014  
IN

CRIMINAL APPEAL NOS. 1678-1680 OF 1996

Sanjay & Ors. ...Appellant(s)

:Versus:

State of U.P. ...Respondent(s)

O R D E R

It appears that we have directed the District and Sessions Judge Unnao to make an enquiry into the matter whether the applicant can be declared as Juvenile under Section 7A of the Juvenile Justice (Care and Protection of Children) Act. 2000. We have sought report from the said District and Sessions Judge and it has specifically been stated therein that, "After the detailed inquiry mentioned above, regarding the juvenility of applicant Guddu Singh @ Vinay Kumar Singh son of late Dadhichi

Singh, his date of birth as per his matriculation certificate is 30.03.1968 whereas the date of incident of the concerned case is 23.07.1984. Thus, in the matter, on the day of incident i.e. 23.07.1984, the age of applicant Guddu Singh @ Vinay Kumar Singh son of late Dadhichi Singh was 17 years, 3 months and 23 days. On this ground, applicant Guddu Singh @ Vinay Kumar Singh son of late Dadhichi Singh is declared juvenile in accordance with Juvenile Justice (Care and Protection of Children) Act, 2000."

It is prayed on behalf of the applicant to release the applicant, who has already served more than 18 years and still is in jail.

Learned counsel for the State did not dispute the fact of serving 18 years and 10 months approximately by him.

We have noted the facts of this case, which are as follows:

The petitioner-applicant was convicted for committing an offence under Sections 147, 148, 149, and 302 of the Indian Penal Code for causing murder of Anil Kumar since deceased and for attempting to murder six other persons.

By judgment and order dated 06.08.1993, the applicant and other accused were convicted for the said offences and the applicant was sentenced to undergo life imprisonment, and two years R.I. for offences committing under Sections 302, 307 and 148 of the Indian Penal Code respectively. The special leave petition filed before this Court was dismissed on 15.10.1998.

An application was filed before us for making an enquiry into the matter through the District Judge, "Whether the applicant was below 18 years of age on the date of incident?".

After such investigation, it appears that the petitioner at the time of the incident was

17 years, 3 months and 23 days and accordingly we find that he is entitled to get the benefit under the said Act.

Accordingly, we record that since he has already served more than 18 years and so he is entitled to get benefit under the said Act. Accordingly, the petitioner-applicant is directed to be released forthwith.

The Criminal Miscellaneous Petitions are disposed of.

.....**J.**  
(Pinaki Chandra Ghose)

.....**J.**  
(R.K. Agrawal)

New Delhi;  
September 14, 2015.

ITEM NO.1

COURT NO.12

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. NOS. 24477-24479/2014 & 24480-24482/2014  
in Criminal Appeal No(s).1678-1680/1996

SANJAI &amp; ORS.

Appellant(s)

VERSUS

STATE OF U.P.

Respondent(s)

(appln. under section 7 a of the juvenile care and protection act,  
2000 for declaring the applicant as juvenile and exemption from  
filing O.T. and office report)

Date : 14/09/2015 These applications were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mr. Kuldip Singh, Adv. (AC)

For Respondent(s) Ms. Pragati Neekhara, Adv.  
Mr. Pawan Shree Aggrawal, Adv.

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

The Criminal Miscellaneous Petitions are disposed of.

(USHA BHARDWAJ)  
AR-CUM-PS

(CHANDER BALA)  
COURT MASTER

Signed order is placed on the file.