

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

Criminal Appeal No(s). 1647/2011

NARESH SINGH & ANR.

Appellant(s)

VERSUS

THE STATE OF JAMMU AND KASHMIR

Respondent(s)

WITH

Crl.A. No. 1655/2011 (II-C)

Date : 12-04-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s)

Mrs. Shally Bhasin, AOR
Mr. Umang Shankar, AOR

For Respondent(s)

Mr. Shailesh Madiyal, AOR
Mr. Vaibhav Sabharwal, Adv.
Mr. Parth Awasthi, Adv.
Mr. Akshay Kumar, Adv.Mr. M. Shoeb Alam, AOR
Mr. Shreekant Neelappa Terdal, AORUPON hearing the counsel the Court made the following
O R D E R

1. A perusal of the record would reveal that though a specific plea was taken before the High Court that appellant No.2/Sanjay Singh was a juvenile in conflict with law on the date of incident, the same was not considered by the High Court.
2. Learned counsel for the appellants had also placed on record the certificate of school showing that appellant No.2/Sanjay Singh was admitted in the school on 10.12.1991 and his date of birth is 01.10.1985.

3. The said contention has been rejected by the High Court observing that no such plea was raised by appellant No.2/Sanjay Singh before the Trial Court and such a plea was an afterthought with a view to scuttle the proceedings.

4. By now, it is a settled principle of law that plea with regard to juvenility can be permitted to be raised at any stage. The High Court ought to have directed an inquiry to be conducted by the learned District and Sessions Judge in that regard. The High Court has utterly failed to do so.

5. In that view of the matter, we direct the District and Sessions Judge, Jammu to conduct an inquiry as to whether appellant no.2/Sanjay Singh was juvenile in conflict with law on the date of commission of the said offence.

6. The appellant no.2/Sanjay Singh is directed to remain present before the learned District and Sessions Judge, Jammu on 24.04.2023 along with all documentary evidence, in support of his submission.

7. Learned District and Sessions Judge, Jammu, would conduct an inquiry within a period of six weeks thereafter and submit a report to this Court.

8. Put up on 12.07.2023.

9. As prayed, if the record of the courts below is available in digitized form, a soft copy of the same be supplied to the learned counsel for the parties.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)