



ITEM NO.24 COURT NO.16 SECTION II-E

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).5654/2026**

**[Arising out of impugned final judgment and order
dated 23-02-2026 in MCRC No.24675/2018 passed by
the High Court of Madhya Pradesh at Gwalior]**

MAHAVIR @ AVNISH Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH Respondent(s)

FOR ADMISSION

IA No. 96682/2026 - EXEMPTION FROM FILING O.T.

**Date : 07-04-2026 This matter was called on for
hearing today.**

**CORAM : HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE N.V. ANJARIA**

**For Petitioner(s) : M/S. Prashant Shukla Law
Chambers, AOR**

**For Respondent(s) : Mr. Surjeet Singh, Adv.
Mr. Yashraj Singh Bundela, Adv.**

**UPON hearing the counsel the Court made the
following**

O R D E R

**1. Vide judgment dated 21.12.2005 passed by the
Second Additional Sessions Judge, Morena in**

Sessions Case No.129/2005, the petitioner was convicted for committing offence under Section 201 of the Indian Penal Code, 1860 ("IPC") while acquitting him of the charges under Section 302/34 of the IPC with regard to murder of Bhuri and Guddi as also for the charges under Section 304B of the IPC. The said judgment was affirmed by the High Court and, thereafter, the Special Leave Petition preferred by the petitioner bearing SLP (Crl) No.4286/2018 was dismissed as withdrawn.

2. After the dismissal of the SLP, petitioner moved the High Court under Section 482 of the Criminal Procedure Code, 1973 seeking recall of the judgment dated 17.03.2017, in which his appeal was dismissed by the High Court, on the ground that on the date of offence, petitioner was a juvenile. The High Court directed an inquiry by the Juvenile Justice Board to ascertain the petitioner's claim about his juvenility. The Juvenile Justice Board, in its report dated 11.05.2019 recorded a finding after inquiry that

petitioner's date of birth is 01.07.1987. Therefore, as on the date of occurrence, i.e., 13.09.2004, he was aged about 17 years 2 months and 12 days and thus, he was a juvenile on the date of offence. Despite this report, the High Court has rejected petitioner's prayer on the ground that the Special Leave Petition having already been dismissed, the High Court has no jurisdiction to reopen the matter.

3. Having considered the submissions made by the learned counsel for the petitioner and on perusal of records as also on the basis of judgments rendered by this Court in the cases of *Abuzar Hossain Alias Gulam Hossain Vs. State of West Bengal*, reported in (2012) 10 SCC 489 and *State of Madhya Pradesh Vs. Ramji Lal and Anr.*, reported in (2025) 5 SCC 697, we are inclined to entertain this petition.

4. Issue notice to the respondent, returnable within six weeks.

5. Mr. Surjeet Singh, learned counsel appears for the respondent - State of Madhya Pradesh and accepts notice. Let counter-affidavit be filed within four weeks from today.

6. In the meanwhile, petitioner shall be released on bail on such terms and conditions as may be imposed by the trial court.

(NEHA GUPTA)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)