

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

Petition(s) for Special Leave to Appeal (Crl) No(s).4711/2011

(From the judgement and order
No.1249/2010 of The HIGH COURT OF
JAIPUR)

dated 15/06/2011 in SBCRP
RAJASTHAN, JODHPUR BENCH AT

MADANLAL

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

(With appln(s) for stay and office report)

Date: 02/03/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Ajay Choudhary,Adv.
 Mr. Manish Kr.Sharma, Adv.

For Respondent(s) Mr. Suryanarayana Singh, Adv. for
 Mr. Milind Kumar,Adv.

Mr. Ranbir Singh Yadav ,Adv

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

We have heard Mr. Ajay Choudhary, learned counsel for
the petitioner.

2. We have also perused the report sent by the
Additional Sessions Judge, Shahpura, District Jaipur
pursuant to our order dated November 25, 2011.

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3. The Additional Sessions Judge, Shahpura, District
Jaipur in his report has indicated as follows:

".....The original certificate of the Entrance
Examination 2006 of Board of Secondary Education
Rajasthan which has been produced the accused, in
which the roll number of the candidate is 2103441
and this mark sheet has been issued by Board of
Secondary Education, Rajasthan on 12.5.2006. The
verification of its was got done from Board of
Secondary Education, Rajasthan, Ajmer and on which

received mark A and mark 2 verification certificate on this point from the Assistant Director, Board of Secondary Education, Rajasthan, Ajmer, according to which the accused Shabbir Mansuri son of Nizamuddin Mansuri was enrolled as Roll No. 2103441 year 2006 and as per mark "2" by the Board of Secondary Education, Rajasthan the date of birth of Shabbir is 5.7.91 and the mark sheet of the accused Shabbir Mohammad Mansuri of Board of Secondary Education, Rajasthan in which date of birth is mentioned as 5.7.1991, that has correct to be found according to Board of Secondary Education Rajasthan and the mark sheet which has been produced on record by the accused that is beyond doubt and has found to be correct and in the support of it when Mohammad Nasi, who is the guardian of the accused Shabbir Mohammad Mansuri, was given admission in first standard in Government Girls Upper Primary School, Khori by the witness Mahavir Prasad, in that admission form Ex. 1 also date of birth of the accused Shabbir Mohammad Mansuri is as 5.7.1991 and this date of birth is also mentioned in S.R. Register Ex. 2 and this date of birth is registered in admission application Ex 1 by Nasim on the basis of his father. Therefore, even from the oral statements of the witnesses Mahavir and Nasim and documentary record Ex. 1 and Ex. 2, the date of birth mentioned as 5.7.91 of the accused Shabbir Mohammad Mansuri in the certificate issued by the Secondary Education Board has found to be proved and the mark sheet issued by the Secondary Education Board has been found accurate in whole inquiry and unlike it there is no certified document on the record and the incident has occurred on 22.6.2009 and the date of birth of the accused Shabbir Mohammad Mansuri is mentioned as 5.7.91 in the Secondary School Certificate and in the inquiry the Secondary School Certificate in which date of birth is mentioned as 5th July, 1991, produced by

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the accused has been found to be accurate and correct."

4. In view of the above report, it is clear that the date of birth of the respondent No.2 - Sabbir Mansuri has been found to be July 5, 1991. The date of incident is June 22, 2009. The respondent No. 2, thus, has rightly been held to be juvenile on the date of incident by the Additional Sessions Judge, Shahpura in his order dated November 19, 2010. The case against the respondent No.2 shall proceed accordingly. The respondent No. 2 shall appear before the Juvenile Justice Board, District Jaipur within one month from today. On appearance of respondent No. 2, the Juvenile Justice Board, District Jaipur shall proceed with the matter as directed by the Additional Sessions Judge, Shahpura in his order dated November 19, 2010.

5. Special Leave Petition is, accordingly, dismissed.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master