

ITEM NO.29

COURT NO.2

SECTION II

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 (Criminal) No(s). 8510/2013
(Arising out of impugned final judgement and order dated 28/03/2007
in CRA 3701/2005 passed by the HIGH COURT OF JUDICATURE AT
ALLAHABAD)

RAJAN @ RANJAN

Petitioner(s)

VERSUS

STATE OF U.P.

Respondents(s)

(With appln. for bail and application under Section 15,7A and
Section 16 of the Juvenile Justice (Care & Protection of Children)
Act, 2000 and Office Report)

WITH

SLP(Crl) No. 8511/2013

(With appln. For bail and permission and Office Report)

DATE:26/05/2014: These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE A. K. SIKRI
[VACATION BENCH]

For Petitioner(s) Mr. N.M. Popli, Adv. (A.C.)

For Respondent(s) Mr. Ratnakar Dash, Sr. Adv.
Mr. Abhishth Kumar, Adv.

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

Signature Not Verified

Digitally signed by
Pardeep Kumar
Date: 2014.05.26
17:17:32 IST

Reason: This Court had earlier entertained both these matters and
requested the learned Sessions Judge, Ghaziabad to record a finding
regarding the age of the petitioners in both these cases as they
claimed to be juvenile.

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After going through the entire process, the
learned Sessions Judge has submitted the report that both the petitioners
are juvenile. Last time, when we considered the report
s, Mr. Ratnakar Dash learned senior counsel appearing for the State of UP
asked for liberty to file objections in respect of the said reports.
In view thereof, copies of the reports were supplied to the learned
Standing Counsel for the State of UP.
Response has been filed to the said reports.
Today, Mr. Dash raised serious objections regarding
the identity of the petitioner Rajan @ Ranjan and in view thereof, we
could not dispose of these petitions taking note of the said reports

wherein it had been categorically held that both of them were juvenile.

The question of identity of the said petitioner has been raised for which we have to again request the learned Sessions Judge to hear them though he had recorded a finding about his identity, namely; that he is the same person but Mr. Ratnakar Dash, learned senior counsel has submitted that merely examining the public prosecutor is not enough and the State of UP should have been given the notice and liberty to examine any person before recording the said finding.

In view thereof, the matters are remanded to the learned Sessions Judge, Ghaziabad who shall issue notice to the State of UP giving liberty to them to examine any person to challenge the finding recorded by the learned Sessions Judge and submit the report thereof.

List this matter in the second week of July, 2014.

In the meanwhile, both the petitioners are directed to be released on bail to the satisfaction of the learned trial Court.

(PARDEEP KUMAR)
AR-cum-PS

(M. S. NEGI)
ASSISTANT REGISTRAR