

ü+CRLMP.NOS. 18091/2011 & 19598/2011 in
Petition(s) for Special Leave to Appeal (Crl) No(s).9580/2009

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ITEM NO.1 COURT NO.8 SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRLMP.NOS. 18091/2011 & 19598/2011 in
Petition(s) for Special Leave to Appeal (Crl) No(s).9580/2009

(From the judgement and order dated 06/08/2009 in CRLA No.684/1994
of The HIGH COURT OF M.P. AT JABALPUR)

MANMOHAN Petitioner(s)

VERSUS

STATE OF M.P. Respondent(s)

(for permission to raise claim of juvenility and permission
to file the judgment of this Hon'ble Court and office report)

Date: 02/04/2012 These CRLMPs were called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Fakhruddin, Sr. Adv.
Ms. Sona Faisal Rizvi, Adv.
Mr. Abdul Karim Ansari, Adv.
Mr. Raj Kishor Choudhary, Adv.
Ms. Neeru Sharma, Adv.
Mr. Anupam Bhati, Adv.
Mr. Samant Ahuja, Adv.
Mr. Surya Kamal Mishra, Adv.
Mr. Javed Ali, Adv.
Mr. T. Mahipal, Adv.

For Respondent(s) Mr. Siddhartha Dave, Adv.
Ms. Jemtiben A.O., Adv.
Ms. Vibha Dutta Makhija, Adv.

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

CRLMP.NO. 18091/2011

By this Criminal Miscellaneous Petition, the
CRLMP.NOS. 18091/2011 & 19598/2011 in
Petition(s) for Special Leave to Appeal (Crl) No(s).9580/2009

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petitioner has applied for permission to raise claim of
juvenility; to direct an inquiry under Section 7-A of the
Juvenile Justice (Care and Protection of Children) Act, 2000
(for short, 'the Act') to ascertain the juvenility of the
petitioner on the date of incident and to direct for

immediate release in case in the inquiry it is found that he was less than 18 years of age at the time of the incident.

On September 30, 2011, this Court issued notice to the respondent. In response thereto, Mr. Siddhartha Dave, learned counsel, has appeared.

On December 2, 2011, this Court directed the Additional Sessions Judge, Sohagpur to enquire into the petitioner's claim of juvenility and send his report within three months from the appearance of the parties. The Additional Sessions Judge, Sohagpur, District Hoshangabad, (M.P.), has held an inquiry pursuant to the order dated December 2, 2011 and sent his report. On completion of the inquiry, the Additional Sessions Judge has found that the petitioner was 17 years 9 months of age on the date of the incident and that his claim of juvenility has been proved. CRLMP.NOS. 18091/2011 & 19598/2011 in Petition(s) for Special Leave to Appeal (Crl) No(s).9580/2009

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The petitioner has been convicted for the offence under Section 302 Indian Penal Code and sentenced to life and fine of Rs. 25,000/-. His conviction was upheld by the High Court vide judgment dated August 6, 2009.

Being aggrieved by the judgment of the High Court, the petitioner preferred Special Leave Petition. However, this Court dismissed the Special Leave Petition on December 17, 2009.

The question as to whether the claim of juvenility can be raised even after the dismissal of Special Leave Petition is concluded by the decision of this Court in Lakhan Lal Vs. State of Bihar, (2011) 2 SCC 251.

Having regard to the above judgment, the findings of the Additional Sessions Judge, Sohagpur, District Hoshangabad, (M.P.) that the petitioner was a juvenile on the date of commission of the offence and that presently the petitioner is about 37 years of age and has already undergone sentence of more than 7 years, we are satisfied that the petitioner deserves to be set free forthwith. CRLMP.NOS. 18091/2011 & 19598/2011 in Petition(s) for Special Leave to Appeal (Crl) No(s).9580/2009

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Consequently, Criminal Miscellaneous Petition is allowed.

It is directed that the petitioner shall be released forthwith, if not required in any other case.

CRLMP.NO. 19598/2011

In view of the order passed in CRLMP.NO. 18091/2011 above, no order needs to be passed on this Criminal Miscellaneous Petition and the same stands disposed of.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master