

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CRIMINAL) NO. 382 OF 2021

RURESH & ORS.

..... Petitioner (s)

Versus

STATE OF U.P.

..... Respondent (s)

ORDER

All the Petitioners have been convicted for various offences and are under-going imprisonment in the Agra Central jail.

All the Petitioners have under-gone imprisonment for over 6 years and some of them have even under-gone imprisonment for over 20 years. It is claimed that the Petitioner No.14 has undergone imprisonment for 26 years, Petitioner No.16 has undergone imprisonment for 22 years and 8 months and Petitioner No.9 has undergone imprisonment for about 23½ years.

The Petitioners claim that they were all well below 18 years of age on the date of commission of the offence. The particulars of the dates of birth of the respective Petitioners as claimed in the writ petition, the date of incident, the age of the respective Petitioner as on the date of incident, documents relied upon by the Petitioners in support of their claim to age, status of the criminal case and the period of imprisonment undergone as on 12.08.2021 are set forth in a chart, which is a part of this writ petition and can be treated as part of this order.

A juvenile may only be kept in custody for a maximum period of three years. It is well settled that a claim of juvenility may be raised at any stage, even after

the final disposal of the case. It may also be raised for the first time in this Court. The delay in raising the claim cannot be a ground for rejection of such a claim.

After hearing the learned counsel appearing on behalf of the Petitioners and perusing the submission in the writ petition, we dispose of the writ petition by directing the Respondent-State to get the claims of the Petitioners to juvenility verified through the concerned Sessions Court, in which the cases of the Petitioners were decided.

Needless to mention that the concerned Sessions Court may consider the documents furnished by the Petitioners as also any other relevant materials. The concerned Sessions Courts shall verify the claim of the Petitioners to juvenility in accordance with the Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with Rules and Regulations framed under the said Act. The claims of the Petitioners to juvenility shall be decided within a period of one month from the date.

In the event the Petitioners or any of them are found to be juveniles as on the date of commission of the offence, necessary steps should be taken for their immediate release from custody.

Pending application(s), if any, stand disposed of.

.....J
[INDIRA BANERJEE]

.....J
[J.K. MAHESHWARI]

NEW DELHI
OCTOBER 22, 2021

ITEM NO.20 Court 8 (Video Conferencing) SECTION X

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

Writ Petition(s)(Criminal) No(s). 253/2021

TIKAM SINGH @ TINKU & ORS. Petitioner(s)

VERSUS

STATE OF U.P. Respondent(s)

(FOR ADMISSION and IA No.67977/2021-GRANT OF BAIL and IA No.67978/2021-EXEMPTION FROM FILING O.T.)

WITH

W.P.(Cr1.) No. 382/2021 (X)

(FOR ADMISSION and IA No.115273/2021-GRANT OF BAIL and IA No.115275/2021-EXEMPTION FROM FILING O.T.)

Date : 22-10-2021 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
 HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. Rishi Malhotra, AOR

For Respondent(s) Ms. Garima Prasad, AAG
 Mr. Pradeep Misra, AOR
 Mr. Suraj Singh, Adv.
 Mr. Bhuwan Chandra, Adv.

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

WRIT PETITION(CRIMINAL) NO. 382/2021

The writ petition is disposed of in terms of the signed order.

Pending application(s), if any, stand disposed of.

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed order is placed on the file)