

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 (Cr1.) Nos.3506-3507/2020

(Arising out of impugned final judgment and order dated 16-08-2018 in CRLA No. 836/1983 and dated 23-01-2020 in CMCA No. 3/2020 in CRLA No.836/1983 passed by the High Court of Judicature at Allahabad)

KALLOO @ AVADESH

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.63351/2020-CONDONATION OF DELAY IN FILING and IA No.63353/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.63356/2020-EXEMPTION FROM PAYING COURT FEE and IA No.63355/2020-EXEMPTION FROM FILING O.T.)

Date : 31-07-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE AJAY RASTOGI

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. S.S.Kulshreshtha, Sr. Adv.  
Mr. Danish Zubair Khan, AOR

For Respondent(s)

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

Delay condoned.

On hearing learned senior counsel for the petitioner, we are not inclined to interfere with the order of conviction on the basis of the only three grounds on merits raised in grounds (E), (F) and (G). However, the grounds (A) to (D) deal with the issue of the petitioner being a juvenile.

In respect of the aforesaid while passing the judgment dated 16<sup>th</sup> August, 2018, sentence was imposed only qua Gulab Singh/A-1 while certain other accused were found innocent and were directed to be released. The fact, however, remains that the petitioner was also convicted and thus an application was filed for correction of judgment and order dated 16<sup>th</sup> August, 2018 which was allowed on 23<sup>rd</sup> January, 2020 including the name of the appellant.

It is the submission of the learned senior counsel for the petitioner that an application was made claiming that the petitioner is a juvenile in 2019 after the order was passed of conviction and sentence was granted only against Gulab Singh. In fact his submission is that the sentence was not accorded to the petitioner as the question of his being a juvenile was to be examined. That application is stated to be still pending before the High Court.

We are thus of the view that the only direction to be passed is for the High Court to consider and pass orders on the application of the petitioner claiming to be a juvenile.

The special leave petitions are accordingly disposed of.

In case of an adverse view taken by the High Court on the issue of the petitioner being a juvenile, liberty is granted to the petitioner to approach this Court limited to that plea.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR