

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Miscellaneous Application No. 875/2020

in

CRIMINAL APPEAL No(s). 442 OF 2017

RINKU & ORS.

Appellant(s)
(Appellant No.2-applicant)

VERSUS

THE STATE OF UTTAR PRADESH HOME DEPARTMENT SECRETARY
Respondent(s)

O R D E R

Pursuant to the directions given by the High Court, Juvenile Justice Board vide Orders dated 20.01.2017 and 08.02.2017 has held that the applicant Samarpal alias Amarpal was juvenile at the time of commission of the offence. The orders have not been challenged by the State.

While we would accept the present application, we clarify that this order has been passed in the peculiar facts of the present case and this order would not be treated as a precedent. Normally the applicant should have moved this Court for

determination of the question of Juvenility as the appeal was pending before this court.

Accordingly, the conviction of the applicant- Samarpal alias Amarpal for offences under Sections 394 and 302 of the Indian Penal Code, 1860 in Session Trial No. 491 of 2004 arising out of Crime No. 818 of 2004, Police Station Dhanaura District Amroha, U.P. is maintained, the order of sentence is set aside in terms of the two orders passed by the Juvenile Justice Board.

The applicant- Samarpal alias Amarpal would be released from detention forthwith in connection with the aforesaid crime.

Misc. Application stands disposed of accordingly.

.....J.
(S. ABDUL NAZEER)

.....J.
(SANJIV KHANNA)

NEW DELHI
FEBRUARY 15, 2021

