

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1583 OF 2017
(ARISING OUT OF SLP (CRL.) NO. 6364 OF 2016)

Siba Bisoyi

...Appellant

Versus

The State of Odisha

...Respondent (s)

ORDER

Leave granted.

Heard learned counsel for the parties at length.

This Court vide its order dated 19.09.2016 directed the concerned District and Sessions Judge to make an inquiry under Section 7-A of the Juvenile Justice (Care and Protection of Children) Act, 2000 [*hereinafter* 'JJ Act' for brevity] and Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 [*hereinafter* 'JJ Rules' for brevity] with regard to the claim of the juvenility of the appellant and file a report in this regard.

Accordingly, the District and Sessions Judge, Ganjam, Berhampur submitted an Inquiry Report dated 07.10.2016.

It is now well settled that a specific procedure is laid down, under section 7A of JJ Act read with Rule 12 of JJ Rules, which has to be followed while determining the juvenility of a person. As per the said inquiry report, it is clear that the matriculation certificate issued by the Secondary Education, Odisha and the certificates issued by Seventh Day Adventist School, Gopabundhunagar, Hillpatna, Berhampur (Ex. 2 and 3) and the admission register maintained by the school, indicates that the date of birth of the appellant was 01.08.1992. In light of section 7A of JJ Act read with Rule 12 of JJ Rules, the aforesaid matriculation certificate serves as a conclusive proof for the date of birth of the appellant herein.

It is to be noted that the date of commission of the alleged offence being 01.01.2010, hence the age of the appellant on that date was 17 years 5 months i.e., below 18 years of age on that day.

In view of the above, we allow the instant criminal appeal. The appellant herein is a juvenile-in-conflict-with-law within the meaning of the Section 2(1) of the JJ Act with reference to the occurrence on 01.01.2010. It appears that the appellant has already undergone incarceration for more than seven years which is over and above the maximum period contemplated under the JJ Act. Therefore, the appellant is to be set free if he is not required in any other case and all consequences, as prescribed under the Juvenile Justice Act and the

Rules framed there under, would accordingly follow and apply.

The appeal is disposed of accordingly.

.....J.
(N. V. Ramana)

.....J.
(Dr. D. Y. Chandrachud)

New Delhi
5th September, 2017

ITEM NO.25

COURT NO.9

SECTION II-B

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6364/2016

(Arising out of impugned final judgment and order dated 20-06-2016 in CRLRE No. 785/2013 passed by the High Court Of Orissa At Cuttack)

SIBA BISOYI

Petitioner(s)

VERSUS

THE STATE OF ODISHA

Respondent(s)

Date : 05-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Ms. Gouri Karuna Das Mohanti, Adv.
Ms. Anu Gupta, AOR
Mr. Pawan Kumar Sharma, Adv.
Mr. Ali Jethmalani, Adv.

For Respondent(s) Ms. Anindita Pujari, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)
AR CUM PS

(S. SIVARAMAKRISHNA)
ASST.REGISTRAR

(Signed order is placed on the file)