

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 411 OF 2017
(Arising out SLP (Crl.) No. 351 of 2016)

PRAVEEN @ TAILOR

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

O R D E R

1) Leave granted.

2) We have heard Mr. Rana Ranjit Singh, learned counsel appearing for the appellant - Praveen @ Tailor and Mr. R.K. Dash, learned senior counsel appearing for the respondent-State of U.P.

3) This appeal arises out of order dated 14.10.2015 passed by the High Court of Judicature at Allahabad in Criminal Misc. Application No. 304015 of 2015 in Criminal Appeal No. 155 of 2003 whereby the Division Bench of the High Court dismissed the application with liberty to approach the Juvenile Justice Board/State Government for appropriate orders.

4) Needless to mention here that the appellant was convicted by the Trial Court for the offences punishable under Sections 376(2)(g) and 323/149 of the Indian Penal Code, 1860 and sentenced him to undergo Rigorous Imprisonment for life and a fine of Rs. 50,000/- with default stipulation.

5) Mr. Rana Ranjit Singh, learned counsel appearing for the appellant raised the question of juvenility under Section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Juvenile Justice Act, 2000') and in that behalf drew our attention to the order dated 04.07.2013 passed by the Juvenile Justice Board, Agra, wherein the Board, after taking into consideration the School Leaving Certificate issued by the concerned School Authorities, wherein the date of birth of the appellant is shown as 01.12.1986, declared that the appellant was a juvenile on the date of the incident i.e. on 01.12.2000.

6) Learned senior counsel appearing for the State fairly submits that the appellant was a juvenile on the date of commission of offence.

7) We have carefully perused the materials available on record and, in particular, the findings of the Juvenile Justice Board, wherein it has specifically stated that as on the date of the incident i.e. 01.12.2000, the age of the appellant-Praveen @ Tailor was 14 years which establishes the juvenility of the appellant.

8) In view of the above, we are of the view that the appellant should get the benefit under the Juvenile Justice Act, 2000 since he was a Juvenile on the date of commission of the offence. Therefore, we declare him a Juvenile and grant him benefit in terms of Section 7A of the Juvenile Justice Act, 2000.

9) Accordingly, the impugned order passed by the High Court is set aside *qua* the appellant herein and he is directed to be released forthwith, if not required in any other offence.

10) The appeal is allowed in the afore-stated terms.

..... J.
(PINAKE CHANDRA GHOSE)

..... J.
(ROHINTON FALI NARIMAN)

New Delhi;
February 23, 2017.

ITEM NO.52

COURT NO.6

SECTION II

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). 351/2016

(Arising out of impugned final judgment and order dated 14/10/2015 in CRLA No. 155/2003 14/10/2015 in CRMA No. 304015/2015 passed by the High Court Of Judicature at Allahabad)

PRAVEEN @ TAILOR

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(with interim relief and office report)

Date : 23/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Rana Ranjit Singh, AOR
Mr. Vivek Kumar Singh, Adv.

For Respondent(s) Mr. R.K. Dash, Sr. Adv.
Mr. Abhishth Kumar, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

(R. NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)