

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.21-22 OF 2017
(Arising out of SLP(Crl.) Nos.2995-2996 of 2015)

JITENDRA KUMAR SINGH

APPELLANT(S)

VERSUS

STATE OF ORISSA & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

These appeals are preferred by the appellant - informant against the order dated December 09, 2014 passed by the High Court of Orissa whereby the writ petition as also the criminal miscellaneous application preferred by the appellant were dismissed by the High Court thereby upholding the order dated March 01, 2013 passed by the trial court treating respondent No.2, who is accused of murder, as a minor and extending the benefit of the provisions contained in the Juvenile Justice (Care and Protection of Children) Act, 2000. The appellant, in these proceedings, has challenged the manner in which respondent No.2 was treated as a juvenile by the courts below.

After hearing the arguments advanced on either side, on May 13, 2016, this Court has directed the concerned Chief Judicial Magistrate-cum-Principal Magistrate of the Juvenile Justice Board at Khudra, Odisha, to hold an inquiry and verify the genuineness of the claim made by the appellant with respect to the correct age of

respondent No.2 and submit a report. In compliance thereto, a Report is received from the Chief Judicial Magistrate-cum-Principal Magistrate and as per the said report, after due verification of Entry No.1042 dated November 23, 1993 in the Birth Register maintained by the Khurda Municipality and Serial No.820 on page 71 of the Birth Register maintained by the GBS Hospital, Khurda, the date of birth of respondent No.2 is confirmed as November 16, 1993.

Nobody is present today.

In view of the aforesaid report, respondent NO.2 is more than 18 years of age as on the date of the incident and, therefore, the orders of the courts below need to be set aside as the claim of juvenility raised by respondent No.2 fails.

Accordingly, we allow the appeals and set aside the orders passed by the High Court as also the trial court treating respondent No.2 as a juvenile and direct that he be proceeded with as a major. In the event respondent No.2 was granted bail by the trial court, he is directed to be taken into custody forthwith.

.....J.
[A.K. SIKRI]

.....J.
[ABHAY MANOHAR SAPRE]

NEW DELHI;
14TH DECEMBER, 2016

ITEM NO.301

COURT NO.9

SECTION IIB

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).
2995-2996/2015

(Arising out of impugned final judgment and order dated 09/12/2014
in CRLMP No. 1330/2014 09/12/2014 in WPCRL No. 192/2013 09/12/2014
in WPCRL No. 367/2014 passed by the High Court of Orissa at
Cuttack)

JITENDRA KUMAR SINGH

Petitioner(s)

VERSUS

STATE OF ORISSA & ANR.

Respondent(s)

(Interim relief and office report)

Date : 14/12/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Sibor Sankar Mishra, Adv. (N.P.)

For Respondent(s) Mr. Narender Kumar Verma, Adv. (N.P.)

Ms. Sharmila Upadhyay, Adv. (N.P.)

UPON perusing the paper-book the Court made the following
O R D E R

Leave granted.

The criminal appeals are allowed in terms of the signed
order.

Pending application, if any, also stands disposed of.

(SWETA DHYANI)

(MALA KUMARI SHARMA)

SR.P.A

COURT MASTER

(Signed order is placed on the file)