

ITEM NO.27

COURT NO.2

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). 2517/2013

(Arising out of impugned final judgment and order dated 27/11/2012
in CRLA No. 391/2005 passed by the High Court Of Judicature at
Allahabad)

RAM LAKHAN & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(with appln. For bail and directions and permission to file addl.
Documents and office report)

WITH

SLP(Crl) No. 3666/2013

(With appln.(s) for bail and Office Report)

Date : 13/02/2015 These petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. V. J. Francis, Adv.
Mr. Anupam Mishra, Adv.
Mr. Simanta Kumar, Adv.For Respondent(s) Mr. Gaurav Bhatia, AAG,
Mr. Amit Singh, Adv.
Mr. Adarsh Upadhyay, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeal in respect of appellants No. 1, 3 and
4 in SLP(Crl.) No. 2517 of 2013 is allowed in terms of
the signed order. They shall be released from custody
if not required in connection with any other case.

Appeal in respect of appellant No. 2 in SLP(Crl.) No. 2517 of 2013 and sole appellant in SLP(Crl.) No. 3666 of 2013 is dismissed in terms of the signed order.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 291 OF 2015
(Arising out of SLP(Crl.) No. 2517 of 2013)

RAM LAKHAN AND ORS. ... Appellant(s)

Versus

STATE OF U.P. ... Respondent(s)

WITH CRIMINAL APPEAL NO. 292 OF 2015 @ SLP(CRL.) NO. 3666 OF 2013

O R D E R

Leave granted.

This appeal arises out of a common order dated 27.11.2012 passed by the High Court of Judicature at Allahabad whereby Criminal Appeal No. 391 of 2005 filed by the appellants against their conviction for offences punishable under Sections 302, 307, 323, 324, 352 read with 147 and 149 Indian Penal Code has been affirmed and so also the sentence of imprisonment for life awarded to each one of them for the offence of murder and imprisonment for a period of 10 years for attempt to murder apart from lesser sentences awarded for other offence.

During the pendency of these proceedings an

application was filed by appellants No. 1, 3 and 4 who were arrayed as accused nos. 3, 5 and 6 before the Trial Court claiming to be a juvenile as on the date of the occurrence. By our order dated 02.05.2014 we had directed an inquiry into the said claim by the Registrar Judicial of this Court who was left free to summon the relevant record from the concerned quarters, verify the genuineness thereof and report whether the claim of the said appellants of being juvenile as on the date of occurrence was justified. The Registrar conducted an inquiry and submitted a report on 19.07.2014 which was upon consideration rejected by us by our order dated 17.09.2014 with a direction to the Registrar to hold a fresh inquiry keeping in view the observations made in the said order. The Registrar has consequently conducted a fresh inquiry into the matter and submitted a report dated 25.12.2014 holding that the appellants mentioned above were indeed juveniles within the meaning of The Juvenile Justice (Care and Protection of Children) Act, 2000.

Mr. Gaurav Bhatia, learned AAG today submits that since the report is well reasoned and relies upon the relevant

material produced before the Registrar, the conclusion drawn by the Registrar that appellant No. 1- Ram Lakhan, Appellant No. 3-Akhlesh Kumar and appellant No. 4-Ajay Kumar were juveniles as on the date of the occurrence is not open to any criticism or challenge. That being so we have no hesitation in accepting the report submitted by the Registrar and holding that the said three appellants were juveniles as on the date of the occurrence. Resultantly while upholding the conviction of the appellants the sentence awarded to them shall have to be set aside. We order accordingly. The juveniles mentioned above shall stand released from custody if not otherwise required in connection with any other case.

That leaves us with the appeals filed by Rajendra Appellant No. 2 in SLP(Crl.) No.2517 of 2013 and Ashok in SLP(Crl.) No. 3666 of 2013. Having heard Mr. V.J.Francis learned counsel for the said two appellants we do not see any error much less any perversity in the appreciation of evidence by the courts below especially when the courts below have found the deposition of Raghunath, the injured witness to be completely

reliable. The finding of guilt recorded by the courts below is accordingly affirmed and the appeals dismissed.

Mr. V.J.Francis at this stage submitted that Ashok is a cancer patient and that this Court could take a lenient view in this case especially when he has already undergone imprisonment for over ten years. We regret our inability to take a lenient view in the matter particularly when the offence of murder stands proved against the said appellant in which the minimum sentence awardable is life imprisonment. Having said that we make it clear that said appellant shall be free to approach the competent authority for remission of the sentence if otherwise warranted. We express no opinion on the merits of any such prayer if made by the appellant.

With the said observations the appeals filed by Rajendra and Ashok are dismissed.

.....J.
(T.S.THAKUR)

.....J.
(ADARSH KUMAR GOEL)

New Delhi,
February 13, 2015.

