

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

Criminal Appeal No.1589/2021

SUNIL & ORS.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

I.A. No. 75060/2022 - APPLICATION U/S 7-A [9(2) old] OF JUVENILE
JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015
I.A. No. 32045/2022 - GRANT OF BAIL
I.A. No. 75055/2022 - GRANT OF BAIL)

Date : 13-07-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. Barun Kumar Sinha, Adv.
Mrs. Pratibha Sinha, Adv.
Mr. Mudit Kaul, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Rishi Malhotra, AOR
Mr. Jaydip Pati, Adv.
Mr. Utkarsh, Adv.

For Respondent(s) Mr. Ratnakar Dash, Sr. Adv.
Mr. Shashank Shekhar Singh, AOR

Mr. Vikas Pahwa, Sr. Adv.
Mr. Amit Khemka, Adv.
Mr. Rishi Sehgal, AOR
Mr. Midhun Aggarwal, Adv.
Mr. Abhishek Pati, Adv.
Mr. Rohan Wadwha, Adv.

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

It is pointed out that appellant No.2 is claiming Juvenility on the basis of a certificate of 10th class issued in the name of Bhupendra Kumar Sharma son of Ram Datt Sharma i.e. couple

of months less than 18 years. It has been prima facie rightly pointed out that the proceedings against the applicant have gone on so far in the name of Ballu and not Bhupendra Kumar Sharma @ Ballu. Secondly, it is submitted by learned counsel for the complainant that as per the Uttar Pradesh Madhyamik Board nobody can take a 10th class board examination unless he attains the age of 14 years and if this certificate is to be believed that is what has happened.

We are thus not prima facie satisfied with the material placed before us even on making an inquiry.

The applicant will file a better affidavit explaining all the aforesaid aspects within two weeks.

List I.A. No. 75060/2022 and IA No. 75055/2022 on 01st August, 2022.

I.A. No. 32045/2022 - GRANT OF BAIL

In view of false averments made in paragraph 10 of the application that there was no bail application while actually bail application was dismissed as not pressed. We are not inclined to entertain this application. Application stands dismissed.

At this stage learned counsel states that he seeks to withdraw the present application with liberty to file an application setting out the correct facts. We would have imposed terms but for the fact that the appellants are already in custody. Application stands dismissed as withdrawn with the aforesaid liberty.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER