

ITEM NO.32

COURT NO.16

SECTION II

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8020/2024

(Arising out of impugned final judgment and order dated 05-04-2024 in CRLA No. 705/1983 passed by the High Court of Judicature at Allahabad)

SATISH KUMAR GUPTA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(IA No.120710/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.120711/2024-EXEMPTION FROM FILING O.T. and IA No.120712/2024-EXEMPTION FROM SURRENDERING WITHIN TIME)

Date : 03-09-2024 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA**  
**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA**

**For Petitioner(s)** Ms. Sonia Mathur, Sr. Adv.  
Mr. Dipanshu Krishan, Adv.  
Ms. Noor Rampal, AOR

**For Respondent(s)** Mr. Akshay Amritanshu, AOR  
Mr. Samyak Jain, Adv.  
Ms. Drishti Saraf, Adv.  
Ms. Pragya Upadhyay, Adv.

**UPON hearing the counsel the Court made the following**

**O R D E R**

1. Ms. Sonia Mathur, learned senior counsel appearing for the petitioner-Satish Kumar Gupta submits that the petitioner was a juvenile on the date of the incident and that the Sessions Judge, Banda erroneously decided the point of juvenility against him by the order dated 20<sup>th</sup> April, 2022.

2. We have heard Ms. Mathur at some length and also perused the order dated 20<sup>th</sup> April, 2022. It is noted that the said order dated 20<sup>th</sup> April, 2022 was neither challenged by the petitioner before the High Court in the criminal appeal

or at any prior point of time nor is there any prayer in this special leave petition for setting aside the same.

3. Notwithstanding such omission, we have proceeded to examine the claim of the petitioner on merits. We are *prima facie* of the considered opinion that the order of the Sessions Judge is unexceptionable. The crime is of 1982 and the conviction of 1983. Unfortunately, the criminal appeal before the High Court lingered on for an abnormally long period of time and more than 40 (forty) years after the conviction was recorded, the mother of the petitioner applied for registration of his birth stating that he was born on 15<sup>th</sup> July, 1965. Admittedly, the appellant had not attended school; hence, his date of birth cannot be inferred from school records. At lightning speed, enquiry was conducted within 5 (five) days and certificate bearing the date of birth of the appellant as stated by his mother was issued by the concerned municipal office. There seems to be more than what meets the eyes.

4. However, before deciding the point finally, we wish to peruse the trial court records. Accordingly, we direct that the records of S.T. No. 285/1982 arising out of Case Crime No. 77/1982 on the file of the Sessions Judge, Banda District, Uttar Pradesh, shall be requisitioned by the Registry and placed before us on 24<sup>th</sup> September, 2024.

5. Soft copies of the trial court records shall be supplied to learned counsel for the parties, if a request in that behalf is made.

**(JATINDER KAUR)**  
**P.S. to REGISTRAR**

**(SUDHIR KUMAR SHARMA)**  
**COURT MASTER (NSH)**