

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 : 18-11-2024 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.
Ms. Ronika Tater, Adv.
Ms. Shubhi Bhardwaj, Adv.
Mr. Nikhil Chandra Jaiswal, Adv.
Ms. Madhumitha Kesavan, Adv.
Ms. Noor Rampal, AOR

For Respondent(s) Mr. Akshay Amritanshu, AOR
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Swati Mishra, Adv.

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

1. We have looked in to the records of the trial court. At the time of examination under section 313, Code of Criminal Procedure, 1973¹ sometime in 1983, the petitioner disclosed his age as 18 years. The incident of murder giving rise to the offence, of which the petitioner was convicted, took place in 1982. The Sessions Court has not disbelieved the age of the petitioner. *Prima facie*, the petitioner was under 18 years of age on the date of offence.

¹ Cr. PC

2. Ms. Mathur, learned senior counsel for the petitioner submits that the petitioner being a juvenile within the meaning of the Juvenile Justice (Care and Protection of Children) Act, old and new, he ought to be granted the benefit envisaged therein. She has also cited the decision in ***Bachhey Lal v. State of Uttar Pradesh***² where, based on the age declared by the convict in course of his examination under section 342, Cr. PC (old), death sentence was commuted to life imprisonment.
3. An interesting question is involved.
4. Leave granted.
5. List the appeal on 22nd January, 2025 marked “Part-heard” at 3.30 pm, subject to obtaining orders from the Hon’ble the Chief Justice of India.
6. If the appeal cannot be heard by January, 2025, the petitioner shall have the liberty of applying for bail.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)