

**THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl. A. No. 9 of 2017

Km. Sorokhaibam Surbala Devi, D/o S. Mohori Singh,
aged about 34 years, a resident of Taothang
Lamsang, P.O. & P.S.- Lamsang, Imphal West
District, Manipur.

...Appellant

-Versus-

The State of Manipur represented by the Principal
Secretary/Secretary (Home), Government of
Manipur.

.... Respondent

BEFORE
HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL

For the Appellant	::	Mr. Serto T. Kom, Adv.
For the Respondent	::	Mr. RK Umakanta, Sr. Adv.
Date of Hearing and Judgment & Order	::	07.11.2024

JUDGMENT AND ORDER
(ORAL)

1. The present criminal appeal has been instituted by
Km. Sorokhaibam Surbala Devi assailing the order of conviction
dated 20th July, 2017 as well as the order of sentence dated 26th
July, 2017 rendered by the Sessions Judge, Imphal West in
Sessions Trial Case No. 5/2006/6/2006/15/13/82/12/14/2016

whereby she was convicted for commission of offences under Sections 152 and 353 of the Indian Penal Code and sentenced to R.I. for a period of 1 (one) year and fine of Rs. 5,000/- (Rupees Five Thousand) only each under Section 353 IPC, and in default of payment of fine, to undergo one month simple imprisonment; and the said sentences for Section 152 IPC and for section 353 IPC were directed to run concurrently.

2. Mr. Serto T. Kom, learned counsel, appearing on behalf of the appellant would urge that the latter was a juvenile at the time of the commission of the offences and as such, the learned Sessions Judge, Imphal West had no jurisdiction to try her along with other accused persons who were not juvenile in terms of the provision and Section 24 of the Juvenile Justice Act, 1986 (hereinafter referred to as the Act).

3. An additional affidavit dated the 17th of November, 2018 has been caused to be filed by the State of Manipur authored by Thokchom Manihar Singh, Officer-in-charge, Lamsang Police Station, Imphal West District, Manipur annexing therewith a verification report as Annexure-Z/1 which reflects as follows :-

“To

*The Superintendent of Police,
Imphal West District.*

Sub : Verification of Juvenility of Smt. Sorokhaibam Surbala Devi

Ref: criminal Appeal No. 9 of 2018

Smt. Sorokhaibam Surbala Devi

-vs-

The State of Manipur

Sir,

In submitting herewith, the following facts regarding the verification of the age of the accused person namely Sorokhaibam Surbala Devi in c/w the above referred case I have the honour to state that I have checked and verified the record from Public Girl's High School, Lamdeng Khunou which the said accused person studied from class VI to class X. On checking the school records it is found that she got enrolled in the said school in the year 1993 and her date of birth was recorded as 1st March, 1983 as per record in the admission register under sl. No. 343 of date 5/2/1993 (copy endorsed). She passed HSLC examination in the year 1998 under roll no. 1070 of BOSEM. The said accused person had attained the 14 (fourteen) years of age at the time of commission of the crime as per the record found in the admission register of Public Girl's High School.

It is, therefore, submitted for favour of perusal and necessary action.

*Enclosed: Xerox copy of Admission Register of
Public Girl's High School for the year 1993.*

Yours faithfully

*Sd/-
Officer-in-Charge
Lamsang Police Station
Imphal West District."*

4. In the premises aforesaid, it is clearly and unequivocally established that Sorokhaibam Surbala Devi, the appellant herein, was merely 14 (fourteen) years of age at the time of the commission of the offence for which she has been convicted and sentenced as aforesaid.

5. The obvious corollary is that the appellant falls within the definition of child in conflict with law as stipulated in sub-Section 13 of Section 2 of the Act.

6. As a natural consequence, any offences committed by a child in conflict with law falls within the exclusive domain of the Juvenile Justice Board in terms of Section 4 of the said Act.

7. In view of the foregoing, the impugned order of conviction dated 20th July, 2017 as well as the order of sentence dated 26th July, 2017 are hereby set aside and the matter is transmitted to the Juvenile Justice Board for further proceedings in accordance with law as well as the said Act.

8. The Criminal Appeal is accordingly disposed of.

9. Registry is directed to send a copy of this order to the learned Principal Magistrate, Juvenile Justice Board, Imphal West for further proceedings.

CHIEF JUSTICE

FR/NFR

Sushil