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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1452 OF 2014
(CONVERTED FROM W.P.NO.2516 OF 2013)
IN
CRI.APPEAL NO. 626 OF 2008**

Umesh Anna Gowda
C/6959

.. Applicant

Vs.

The State of Maharashtra

..Respondent

....
Ms. Rohini Dandekar Advocate appointed for Applicant
Mrs. A.S.Pai A.P.P. for the State
....

**CORAM : SMT.V.K.TAHILRAMANI AND
SHRI.A.K.MENON, JJ.**

DATED : DECEMBER 24, 2014

P.C.:

1 Heard both sides.

2 By judgment and order dated 28.4.2008 in Sessions Case No. 99 of 2007, the applicant has been convicted under Section 302 of IPC by the learned 4th Ad-hoc Additional Sessions Judge, Sewree, Bombay. The applicant has preferred appeal challenging the said conviction and sentence by filing

Criminal Appeal No. 626 of 2008 which came to be dismissed on merits by this Court (Coram: Smt. V.K.Tahilramani and Shri. P.D.Kode, JJ.). Thereafter, the applicant has preferred Criminal Writ Petition No. 2516 of 2013 which was converted into Criminal Application No. 1452 of 2014 i.e. the present application. In the present application, the applicant has claimed that he was juvenile at the time of his arrest in the present case. He has admitted that he has no proof of his date of birth. However, he has prayed that he be sent for medical test for ascertaining his age.

3 It is seen that the offence was committed on 30.9.2006. The applicant has not furnished birth certificate or school leaving certificate or any document to show his date of birth. The applicant has not given his approximate date of birth or even approximate age at the time when the offence was committed. The applicant as of now is an adult and now if he is sent for ossification test/radiological test, it will show that he is an adult and it would not be possible to ascertain that on 30.9.2006 he was a juvenile.

4 Looking to the fact that no approximate date of birth of the applicant has been given by the applicant and even the appeal preferred by the appellant was dismissed on merits and the other facts and circumstances, we are not inclined to consider the prayer of the applicant. Hence, application is rejected.

5 Legal fees of Advocate Ms. Rohini Dandekar appointed for the applicant, be paid as per Rules.

[SHRI.A.K.MENON, J.]

[SMT. V.K.TAHILRAMANI, J.]

Kandarkar