

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.356 of 2015

IN

CRIMINAL APPEAL NO.1315 of 2013

Dhananjay Mahendra Mandal .. Applicant

Versus

The State (Union Territory of Daman
and Diu) .. Respondent

Mr.Vijendra S. Jabra, Advocate for the applicant.

Ms.Purnima H. Kantharia, APP for the Respondent – Union
Territory of Daman and Diu.

Mrs.P.P. Bhosale for the State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 6th APRIL 2016

P.C. :

1 Heard Ms.Sartaj Shaikh, learned counsel for the applicant/appellant. I have gone through the application and the annexures thereto. Heard the Public Prosecutor for the respondent – Union Territory of Diu and Daman.

2 During the pendency of the Appeal filed by the applicant, the applicant has raised the issue of juvenility of the Juvenile

Justice (Care and Protection of Children) Act 2007. It is, therefore, necessary to follow the procedure in section 7A of the said Act and to hold an inquiry into the matter.

3 In the circumstances, it would be proper to direct that the necessary inquiry be held by the Court of Sessions instead of this Court.

4 The Court of Sessions shall hold an inquiry into the claim of juvenility raised by the applicant/appellant and record a finding as contemplated under Sub-section (2) of Section 7A of the said Act. However, as the appeal is pending before this Court, it would be necessary to direct that if the Court of Sessions comes to a conclusion that on the date of commission of the offence, the applicant was a juvenile, it shall, instead of forwarding him to the Juvenile Justice Board for passing appropriate order, submit a report to this Court.

It is ordered accordingly.

5 Record and Proceedings of the Appeal be forwarded to the Court of Sessions to enable it to make a proper inquiry into the matter as contemplated u/s.7A of the said Act.

6 The Court of Sessions shall endeavour to complete the inquiry within a period of three months from the receipt of Record and Proceedings. The Record and Proceedings shall be expeditiously forwarded to the Court of Sessions.

7 The Appeal be listed on board, for directions, on 1st September 2016.

8 The prayer to release the applicant on bail during the pendency of the inquiry is rejected.

9 However, liberty is granted to the applicant to renew the prayer in the event of the inquiry not being concluded by 1st September 2016.

10 Application is disposed of in the aforesaid terms.

(ABHAY M.THIPSAY, J)