

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 845 OF 2014
IN
CRIMINAL APPEAL NO. 1 OF 2000

Bhalchandra Ramchandra Rupnavar ...	Applicant
vs.	(Orig. accused No.2)
The State of Maharashtra ...	Respondent

Mr.Rahul Kate,Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 1st February, 2016.

P.C.

Heard. Rule. Rule made returnable forthwith with consent of the parties.

2. Pursuant to the order dated 17.11.2015, the Addl. Sessions Judge, Baramati, has conducted an enquiry into the claim of juvenility raised by the accused – Bhalchandra son of Ramchandra Rupnavar, who is appellant in Criminal Appeal No.1 of 2000.

3. The learned Sessions Judge has filed a report that the date of birth of

the applicant is 14.8.1974. The date of occurrence is 22.11.1990. On the basis of documentary evidence and the statements recorded in the enquiry, the learned Sessions Judge has arrived at a conclusion that the applicant herein was 16 years 3 months and 8 days old on the date of the incident. In view of the fact that the applicant has established his claim of juvenility before the appropriate Court, the matter deserves to be remitted to the Juvenile Justice Board as is contemplated under Section 7-A(2) of Juvenile Justice (Care and Protection of children) Act, 2000.

4. The learned counsel for the applicant has placed implicit reliance upon the Judgment of the Hon'ble Apex Court in the case of **Dharambir vs. State (NCT of Delhi) & Anr. (2010) 5 SCC 344**. The learned counsel has further placed implicit reliance upon para 11 of the said Judgment which reads as under :-

“11. It is plain from the language of the Explanation to Section 20 that in all pending cases, which would include not only trials but even subsequent proceedings by way of revision or appeal, etc., the determination of juvenility of a juvenile has to be in terms of clause (l) of Section 2, even if the juvenile ceases to be a juvenile on or before 1-4-2001, when the Act of 2000 came into force, and the provisions of the Act would apply as if the said provision had been in force for all purposes and for all material times when the alleged offence was committed.”

In view of this, the following order is passed :-

ORDER

- (i) The appeal is disposed of.
- (ii) The record and proceedings along with the paper-book be sent to the Juvenile Justice Board at Pune.
- (iii) The applicant shall appear before the Juvenile Justice Board, Pune on 20.2.2016.
- (iv) Office to remit the proceedings to the Juvenile Justice Board, Pune so as to reach the Board on or before 10.2.2016.
- (v) Juvenile Justice Board shall pass appropriate orders in accordance with law and the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Appeal & Application stand disposed of.

(SMT.SADHANA S.JADHAV, J.)