

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3707 OF 2016

Jafar Akbar Siddhiqui .Petitioner

Vs.

The State of Maharashtra .Respondent

Mr.S.M.Sharma i/b. Mr.R.K.Yadav, Advocate, for
the Petitioner

Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.11.2016

P.C.

. At the outset, learned APP raises a preliminary objection. He states that an enquiry as to whether the Petitioner is a juvenile or not, would have to be conducted in the said case and that the Court of the learned JMFC was competent to conduct the said enquiry.

2. In view of the preliminary objection raised by the learned APP, learned counsel for the Petitioner seeks leave to withdraw this

Petition with liberty to file an appropriate Application before the learned Chief Metropolitan Magistrate's 40th Court, Girgaum, Mumbai, seeking the same reliefs. If such an Application is filed by the Applicant, the learned Magistrate shall decide the said Application i. e. Whether the Petitioner is a juvenile or not, as expeditiously as possible and in any event, within a period of three weeks from the date of filing of the Application. The reason for expediting the Application, is keeping in mind the plea raised by the Petitioner that he is a juvenile under the Juvenile Justice Act and keeping in mind the object and provisions of the said Act. The learned Judge to conduct the enquiry as contemplated under the Juvenile Justice Act and pass appropriate orders on the said Application, within the said period of 3 weeks.

3. Accordingly, the Petition is disposed of as withdrawn with liberty as prayed.

4. It is made clear, that this Petition has not been considered on merits.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)