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

**CRIMINAL APPLICATION NO. 152 OF 2016  
IN  
CRIMINAL APPEAL NO. 88 OF 2012**

|                          |               |
|--------------------------|---------------|
| Sarfaraj A. Karim Kazi   | .. Applicant  |
| Vs.                      |               |
| The State of Maharashtra | .. Respondent |

Mr. S. V. Marwadi i/b Omkar G. Nagwekar for the Applicant.  
Mrs. M. M. Deshmukh, APP for the Respondent-State.

**CORAM : RANJIT MORE AND  
A. S. GADKARI, JJ.**

**DATE : 31<sup>st</sup> JULY, 2017.**

**P. C. :**

1. The applicant is the original accused in Sessions Case No. 246 of 2009 decided by the 1<sup>st</sup> Ad-hoc Additional Sessions Judge, Solapur. By the Judgment and order dated 19.12.2011, the applicant was convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860 read with Section 25 of the Arms Act and sentenced to imprisonment for life.

2. The applicant has preferred the above Criminal Appeal No. 88 of 2012. The same is admitted and pending for final disposal. The applicant is in custody since 15.06.2009.

3. The present application is filed claiming that the applicant was juvenile at the time of incident and therefore directions are sought to refer the matter for decision to juvenile Board. The applicant in support of his contention has annexed various documents.

4. Since the appellant has raised plea of juvenility on the date of commission of offence, it would be appropriate to refer the matter to the Trial Court, namely, 1<sup>st</sup> Ad-hoc Additional Sessions Judge, Solapur to hold inquiry regarding the appellant's said claim.

5. In order to enable the learned 1<sup>st</sup> Ad-hoc Additional Sessions Judge, Solapur to take decision regarding applicant's claim of juvenility, the applicant shall submit application along with necessary documents within one month. The learned Judge shall dispose of the application expeditiously and preferably within a period of three months from the date of filing of application and submit report to this Court. The Registry is directed to send Record and Proceedings of the above appeal to 1<sup>st</sup> Ad-hoc Additional Sessions Judge, Solapur for the purpose of decision on the applicant's claim of juvenility on the date of commission of offence.

6. The application is disposed of accordingly.

**[A. S. GADKARI, J.]**

**[RANJIT MORE, J.]**