

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 CRIMINAL APPLICATION NO.2331 OF 2022
IN
CRI. APPEAL NO.1063 OF 2019

AWADHUT @ RAHUL BALU GIRI (C/11161)
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gaikwad Sanjay N
(appointed Through Legal Aid)
APP for Respondent : Mr. M M Nerlikar

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CORAM:SARANG V. KOTWAL & BHARAT P. DESHPANDE,JJ.
Dated : July 21, 2022

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PER COURT :-

1. This is an application with the following prayers :-

- "A. This criminal application may kindly be allowed.
- B. Kindly be allow the applicant for production of documents at exhibit B for the purpose of evidence for plea of juvenile and the said documents may kindly be consider at the hearing of bail application as well as criminal appeal preferred by the and for that purpose issue necessary orders ;
- C. Any other suitable and equitable relief may kindly be granted in favour of the applicant."

2. Post-conviction the applicant is raising a plea that he was a Child in conflict with law on the date of the incident. He has relied on certain documents. Since

aaa/-

this is an important plea, which needs to be considered. Inquiry into the genuineness of his claim and about the reliability of the documents needs to be conducted. Hence, the following order.

ORDER

- i. The Sessions Judge, Nanded shall conduct an inquiry; or if he feels appropriate assign an Additional Sessions Judge to conduct an inquiry into the claim of the applicant of being a Child in Conflict with Law on the date of the incident. The Judicial Officer shall take into consideration the documents annexed to this application. The applicant is already granted bail vide a separate order. He shall remain present before the said Judicial Officer conducting the inquiry on 19.9.2022. Once the inquiry is conducted, the learned Judge shall send the report to this Court in connection with Criminal Appeal no.1063 of 2019 which shall be taken on record. Once the report is received, the appeal be placed before the appropriate Bench for further consideration. The State is at liberty to participate in the inquiry proceedings.

- ii. The application is disposed off in the aforesaid terms.
- iii. Since Mr Sanjay N Gaikwad, learned counsel is appointed to represent the cause of Applicant, the High Court Legal Services Sub-Committee, Aurangabad to quantify and pay his legal fees and expenses as per the rules.

(BHARAT P. DESHPANDE, J.) (SARANG V. KOTWAL, J.)

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