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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 799/2022**

BHUWAN YADAV ALIAS BHANU Petitioner

Through: **Mr.G.S.Sharma, Mr.V.K.
Sharma, Mr.R.A.Sharma, Advs.**

versus

STATE GNCT OF DELHI Respondent

Through: **Mr.Aman Usman, APP with SI
Manish Charan.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **01.05.2024**

CRL.M.A. 13101/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 13100/2024

2. This application has been filed by the petitioner praying for modification of the order dated 30.01.2024 passed by this Court, whereby this Court had allowed the petitioner to withdraw his petition which had been filed in challenge to the order dated 09.06.2022 passed by the learned Metropolitan Magistrate-04, Central District, Delhi holding that the accused was a major and was not a juvenile at the time of the commission of the offence.

3. This Court, vide its order dated 30.01.2024, taking note of the submission of the learned counsel for the petitioner that the learned Trial Court has started *suo moto* inquiry into the age of the petitioner, and directed the petitioner as well as the State to produce their respective documents, and also directed the SHO concerned to verify



the documents filed by the accused to determine the age as on the date of the offence, while dismissing the present petition, had directed that it would not prejudice the rights of the petitioner in any manner.

4. By a subsequent order dated 16.02.2024, however, the learned Trial Court expressed a doubt whether it can review the order dated 09.06.2022 passed by the learned Metropolitan Magistrate.

5. On 18.03.2024, the learned counsel for the applicant prayed for time from the learned Trial Court to seek clarification from this Court on the above issue.

6. Having heard the learned counsel for the applicant and the learned APP, it is clarified that as the learned Trial Court had initiated *suo moto* inquiry to determine the age of the applicant/accused, the same shall be carried to its logical conclusion remaining uninfluenced by the order dated 09.06.2022 passed by the learned Metropolitan Magistrate.

7. The application is disposed of in the above terms.

NAVIN CHAWLA, J

MAY 1, 2024/Arya

[Click here to check corrigendum, if any](#)