

22.04.2025
Item No. 1
Court No. 26
CHC
(Interim Bail)

CRA (DB) 332 of 2023
IA NO: CRAN/2/2024

In Re: An application under Section 374 (2) of the Code of Criminal Procedure, 1973.

And

In the matter of : Saifuddin Sk @ Sk Saifuddin
@ Saifuddin Sekh
..... appellant

Mr. Deepak Prahladka, Advocate
Ms. Reshmi Khatun, Advocate
...for the appellant

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Bibaswan Bhattacharya, Advocate
...for the State

1. Appeal is directed against the judgment dated August 29, 2023 convicting the appellant under Section 302 of the Indian Penal Code, 1908 and the order dated August 31, 2023 imposing sentence of life with fine.
2. During the pendency of the appeal, attention of the coordinate Bench was drawn to the fact that, the appellant was a juvenile at the time of commission of the offence.
3. Taking note of such fact, coordinate Bench by an order dated February 10, 2025 directed the learned Trial Judge to hold an enquiry in terms of Section 94 of the Juvenile Justice (Care and Protection) Act, 2020 and upon appreciation of the witness and documents produced by the parties, record a finding with regard to the age of the appellant at the time of offence.

4. Pursuant to such direction dated February 10, 2025, learned Trial Judge held an enquiry. By Order No.82 dated March 26, 2025, learned Trial Judge returned a finding that, the appellant was a child at the time of commission of the offence. Learned Trial Judge also recorded in such order that, the same may be treated as a report which is to be laid for consideration of the High Court in connection with the present appeal.
5. In view of the finding of the learned Trial Judge that, the appellant was a minor at the time of commission of the offence, the impugned judgment and order as against the appellant is set aside.
6. In view of the fact that, the appellant was a minor at the time of commission of the offence, he may stand trial before the jurisdictional Juvenile Justice Board. The Court is informed that, jurisdictional Juvenile Justice Board is in South 24 Parganas.
7. In such circumstances, Trial Court Records be remitted to the jurisdictional Juvenile Justice Board for the appellant to stand trial therein.
8. Court is informed that, appellant is presently in custody. Court is also informed that, appellant was on statutory bail for the entirety of the period of the trial till the date of his conviction when he was taken into custody.
9. Since, the impugned judgment and order of conviction and sentence are set aside on the ground that, the appellant was a juvenile at the time of the offence and since we remanded

the trial to the Juvenile Justice Board, it would be appropriate to enlarge the appellant on **interim bail** subject to the confirmation of such bail by the jurisdictional Juvenile Justice Board.

10. Accordingly, we direct that the appellant, **Saifuddin Sk @ Sk Saifuddin @ Saifuddin Sekh** shall be released on interim bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two registered sureties, to the satisfaction of the Learned Chief Judicial Magistrate, Alipore, South 24 Parganas.
11. Appellant will appear before the jurisdictional Juvenile Justice Board within four weeks from date. In default, the jurisdictional Juvenile Justice Board is at liberty to take appropriate steps for the purpose of securing the presence of the appellant.
12. CRA (DB) 332 of 2023 alongwith CRAN/2/2024 are **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)