APHC010416592019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

MONDAY, THE 16th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 1289/2019

Between:

1. T DORA BABU, S/O T.VIJAYA KUMAR, AGED ABOUT 21YRS, OCC COOLIE, R/O K.VENKATAPURAM VILLAGE, THUMBAGANIPALLI POST, BANGARUPALYAM MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

...RESPONDENT

Counsel for the Petitioner:

1. D PURNACHANDRA REDDY

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Criminal Revision Case has been filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,') challenging the judgment dated 02.12.2019 in Crl.A.No.98 of 2018 passed by the learned IX Additional District & Sessions Judge, Chittoor whereby the judgment of conviction and sentence dated 06.04.2018 rendered by the learned Principal

Assistant Sessions Judge, Chittoor, in S.C.No.232 of 2016 was confirmed and the Petitioner was found guilty of the offence punishable under Section 411 of the Indian Penal Code, 1860 (for brevity, 'the I.P.C.,') and was sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.4,000/-. The Petitioner was also convicted for the offence punishable under Section 29(4)(a) of the A.P.Forest Act, 1967 (for brevity 'the Act.,') and sentenced to undergo rigorous imprisonment for one year together with a fine of Rs.4,000/-. In addition thereto, the Petitioner was convicted for the offence punishable under Section 43 of 'the Act.,' and sentenced to undergo simple imprisonment for a period of six months. It was further directed that all the substantive sentences imposed upon the Petitioner shall run concurrently.

2. Heard the learned Counsel for the Petitioner and the learned Assistant Public Prosecutor.

3. Sri D.Purna Chandra Reddy, learned Counsel for the Petitioner in I.A.No.1 of 2026 submits that Petitioner was a minor as on the date of the alleged commission of the offence. Therefore, an enquiry is required to be conducted by the learned Trial Court about the juvenility of the Petitioner.

4. Accordingly, this Court has directed the learned Principal Assistant Sessions Judge/learned Trial Court to conduct the enquiry. An enquiry was conducted and report is submitted. Relevant paras are extracted as under:

> *"2.On 24-10-2026, the petitioner/A1 appeared before this Court in person and filed a petition requesting an enquiry into his age as on the date of the alleged offence, in accordance with the directions of the Hon'ble High Court. The petitioner/A1 submitted an affidavit stating that his date of birth is 20-06-1999. He also produced the original Aadhaar Card, Voter ID Card, SSC marks list and Transfer Certificate in support of his claim. The original documents were*

> *examined by this Court, and copies thereof were compared with the originals and placed on record. The learned Additional Public Prosecutor was given an opportunity to verify the documents produced by the petitioner/A1. Upon verification, the learned Additional Public Prosecutor endorsed that there was no objection. The said endorsement was taken on record.*
> *3. On examination of the original documents produced and the material available on record, the date of birth of the petitioner/A1, this court found that the date of birth of the petitioner/A1 is on 20-06-1999. The alleged date of commission of the offence in Crime No.07 of 2016 of Chittoor Taluk Police Station is on 17-01-2016. On the basis of the aforesaid date of birth, the age of the petitioner/A1 as on the date of the alleged offence was 16 years, 6 months and 28 days. Thus, he had not completed eighteen years of age on the said date."*

5. The learned Trial Court has clearly found that as on the date of the alleged offence the Petitioner was only 16 years, 6 months and 28 days; and he has not completed 18 years of age on the date of the alleged offence which occurred on 17.01.2026. The date of birth of the Petitioner was proved to be 20.06.1999.

6. The enquiry report submitted by the learned Trial Court leaves no room for ambiguity with regard to the status of the petitioner as a juvenile on the relevant date. The finding regarding his age is founded upon unimpeachable documentary evidence and has remained uncontroverted by the prosecution. This Court finds no reason to take a view different from the one arrived at by the learned Trial Court. Accordingly, it stands conclusively established that the petitioner was a juvenile in conflict with law within the meaning of the provisions governing juvenile justice and was not amenable to trial before the ordinary criminal courts.

7. Once the claim of juvenility has been duly established and accepted, the very substratum of the judgments rendered by the Courts below stands fundamentally eroded. The law is well settled that a juvenile cannot be tried or

sentenced by a regular criminal court in derogation of the special procedure prescribed under the juvenile justice regime. Therefore, the judgment dated 02.12.2019 passed in Crl.A.No.98 of 2018 by the learned IX Additional District and Sessions Judge, Chittoor, confirming the conviction and sentence imposed upon the petitioner, cannot be sustained and is accordingly set aside. Consequently, the judgment of conviction and sentence dated 06.04.2018 passed in S.C.No.232 of 2016 by the learned Principal Assistant Sessions Judge, Chittoor, is also hereby set aside.

8. Having regard to the aforesaid determination, this Court deems it appropriate to direct that the entire case records, together with all material documents and exhibits, be forthwith transmitted to the jurisdictional Juvenile Justice Board constituted for the district. Upon receipt of the records, the Juvenile Justice Board shall proceed to deal with the matter in accordance with the provisions of the governing statute applicable to juveniles in conflict with law and pass such orders as may be permissible in law. The learned Trial Court shall ensure that the records are transmitted expeditiously, duly indexed and in proper order, so as to facilitate an effective adjudication by the Board.

9. In the result, in view of the conclusive finding that the Petitioner was a juvenile on the date of the alleged occurrence and the consequent legal infirmity attached to the proceedings conducted before the regular criminal courts, the Criminal Revision Case is disposed of, and the judgments impugned herein are set aside and the matter is remitted to the competent

Juvenile Justice Board for appropriate proceedings in accordance with law. There shall be no order as to costs.

10. Registrar (Judicial) is directed to do needful in this regard for transmitting the record to the Juvenile Justice Board concerned.

As a sequel, interlocutory applications, if any pending, shall stand closed.

Dr. Y. LAKSHMANA RAO, J

Dt: 16.11.2026
VTS