Redacted by NyayVidhan (the appellant was declared a juvenile in conflict with law): his name (shown as B on nyayvidhan.in), his date of birth, the date of the incident, the names of his family, the co-accused and the deceased, his village, the police station, the schools and the FIR, trial and case numbers are withheld. Text otherwise as issued by the Court.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2026
(@ SPECIAL LEAVE PETITION (CRL.) NO(S).21302 OF 2025)

...APPELLANT

VERSUS

STATE OF U.P. & ANR. ...RESPONDENTS

O R D E R

Leave granted.

2. Briefly stated, the facts of the case are that the appellant herein was booked for the murder of *vide* FIR No. registered on with P.S. , District Azamgarh, U.P. under Sections 147, 148, 302 read with Section 149 of the Indian Penal Code, 1860 (for short, 'IPC') and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC/ST Act'). Upon completion of investigation, charges were framed against the appellant by the Additional Sessions Judge, Azamgarh (hereinafter referred to as the 'trial court').

Signature Not Verified
Digitally signed by BORRA LAVANYA LLI
Date: 2026.01.06 17:14:47 IST
Reason:

3. The appellant had filed an application before the trial court seeking a prayer to the effect that the record of the case of the appellant be sent to the Juvenile Board/Court for necessary examination of the age of the appellant as his date of birth was and hence he was a minor on the date of the incident. The trial court rejected the said claim of the appellant and consequently dismissed the aforesaid application *vide* order dated 02.01.2014. It was held that during the trial and recording of statements of witnesses of both sides, the plea of juvenility was never raised on behalf of the appellant/accused. Further, no evidence was brought forth from the appellant's school, namely Azamgarh, to prove that his date of birth was . It was also held that the primary school from where the appellant obtained education was not in existence and therefore the certificate issued by Azamgarh was not supported by any reliable documentary evidence.

4. The trial court, in S.T. No. by judgment dated 12.09.2014, convicted the appellant under Sections 147, 148, 302 read with Section 149 IPC and under Section 3(2)(v) of SC/ST

Act and sentenced him as under:

i) Rigorous Imprisonment for 2 years and a fine of Rs. 2,000/- under Section 147 of IPC.

ii) Rigorous Imprisonment for 3 years and a fine of Rs. 2,000/- under Section 148 of IPC.

iii) Rigorous life imprisonment and a fine of Rs. 20,000/- under Section 302 read with Section 149 of IPC.

iv) Rigorous Imprisonment for 5 years and a fine of Rs. 2,000/- under Section 3(2)(v) of the SC/ST Act.

The sentences were to run concurrently.

5. Aggrieved by the dismissal of his application to be tried as a Juvenile, the appellant preferred Criminal Revision No. 289 of 2014 before the Allahabad High Court. By the impugned order dated 25.07.2025, the said Criminal Revision was dismissed. It was observed that although one of the reasons given by the trial court for raising the plea of juvenility at the fag end of the trial was untenable and the findings with respect to the absence of evidence supporting the certificate issued by

Azamgarh, were held to be correct by the High Court.

6. Being aggrieved, the appellant has preferred the instant criminal appeal before this Court.

7. We have heard learned counsel for the respective parties and perused the material on record.

8. Learned counsel for the appellant/accused has contended that on the date of the incident viz., , appellant was a juvenile and therefore, he could not have been tried, convicted and sentenced by the Sessions Court.

9. During the course of submissions made at the time of preliminary hearing of this matter, learned counsel for the appellant contended that since the appellant herein was a juvenile as on the date of the incident i.e., , he could not have been tried and convicted by the Sessions Court. It was stated that the appellant was born on , the date of the incident is and the appellant was about seventeen years of age and a juvenile on the date of the incident. Further, the appellant had already completed over fourteen years in custody and therefore, learned counsel for the appellant sought for release on interim bail *vide* order dated 15.05.2026.

10. We had considered the plea made on behalf of the appellant and had passed the following order dated 15.05.2026:-

> "We have heard learned counsel for the petitioner and learned counsel for respondent no.1/State.
>
> Learned counsel for the petitioner submitted that the petitioner herein was born on and the date of incident is and the petitioner was about 17 years only and a juvenile on the date of the incident. Further, the petitioner has already completed over fourteen years in custody. Therefore, a direction may be issued to the concerned Sessions Court to conduct an inquiry with regard to the juvenility of the petitioner herein.
>
> In the circumstances, we direct the concerned Sessions Court to hold an inquiry with regard to the juvenility of the petitioner herein.
>
> The inquiry into the juvenility of the petitioner shall be conducted within a period of four months from today.
>
> For that purpose, we find it necessary to release the petitioner on interim bail till 30.10.2026 so as to enable him to participate in the said inquiry.
>
> The petitioner shall be produced before the concerned Sessions Court as early as possible and he shall be released on interim bail till 30.10.2026 subject to such terms and conditions that may be imposed by the Sessions Court.
>
> In order to ascertain the findings of the inquiry, list on 16.10.2026."

11. By the aforesaid order, we had directed the concerned Sessions Court to hold an enquiry with regard to the juvenility of the appellant herein within a period of four months from that date and to submit a report to this Court.

12. On perusal of the Office Report, we note that the learned Special Judge, SC/ST Act, Azamgadh registered Criminal Miscellaneous Case No. (***State vs.***

and has conducted an enquiry by examining CW1 to CW6 on behalf of the appellant herein and has also heard the learned Special Public Prosecutor and perused the records of the Miscellaneous Case and Sessions Trial No. .

13. On considering the evidence let in in the said enquiry, the learned Judge has observed as under:

> "25. To prove the date of birth of accused as , his father was examined as CW-5. In his Examination-in-Chief, this Witness has stated that "I got married in my childhood, around 60-65 years ago. I have five children. The name of the eldest daughter is her age is more 50 years and I do not remember the year of her birth. My son born after her is his date children. The name of the eldest daughter is her age is more than 50 years of birth is , he is five-six years

younger than my eldest daughter. My daughter bom after him is I do not remember her date of birth or year. My daughter born after her is my daughter was born a year or two after My son born after her is his age is 30-35 years, I do not know the date of birth of studied up to Class 10, failed Class tenth. Both my daughters have studied; they both passed Class 10. My eldest daughter is not literate, only two daughters are literate. has studied from Class 1 to Class 8, thereafter, due to a dispute, he was jailed. was first admitted to where all my children also studied. has studied up to Class 5 at Thereafter, had studied at he had studied there up to Class 8. I remember the date of birth of because his case is pending. I had stated the same date and month to the school on which was born which is . My son has studied up to Class 9." Thus, the Statement made by the Witness in his Examination-in-Chief confirms the date of birth of accused as and his studying at and Even in the Cross-examination conducted by the Ld. Advocate for the Complainant of the Case, the Witness has not stated as such that contradicts the statements made by him in his Examination-in-Chief.

26. Apart from the aforementioned documentary evidence regarding accused being a juvenile delinquent at the time of the incident, the medical examination report for age determination which is paper no. 414-Kha in the original file and as document 22-Ka in the instant miscellaneous case has been summoned at the time of disposing of the age-determination application submitted by the accused during the trial and the

concerned doctor has also been summoned to prove the same. In the Medical examination report for age determination (22 Ka), the age of accused is recorded as 33 years on the date of medical examination, i.e., 22.02.2013 as per which the age of accused on the date of the incident, i.e., works out to be approximately 14 years and 8 months. To prove the said medic examination report, the accused got a doctor from Sadar Hospital, Azamgarh summoned who was examined as CW-6. Proving the said medical examination report as secondary evidence, the Witness has stated that "for the determination of the age of s/o r/o PS - . District - Azamgarh in compliance of the order dated 20.02.2013 of the Court, X-ray of the right elbow, right wrist, right rib and sternum was conducted. On the basis of Plate No. 425 dated 22.02.2013, the age of was determined by Dr. A.K. Dubey, Deputy Chief Medical Officer. On 22.02.2013, the age of was found to be 33 years. I have brought carbon copy of the original report Paper No. 22 Ka and the X - Ray report in original self-attested photocopy of which I am filing. The age recorded in the file is correct as per the original medical certificate 22 Ka." Thus, the Statement made by the Witness in Examination- in-Chief proves the medical examination report 22 Ka, confirming his age to be 33 years as on the medical examination dated 22.02.2013. Accordingly, his age at the time of the incident works out to be 14 years and 08 months. Even in the Cross-examination conducted by the Ld. Advocate for the Complainant, the witness has made no such statement which contradicts the facts recorded in the medical examination report 22 Ka. It is a well-established principle that there can be a difference of ± 2 years in the age determined in a medical examination report. Even in this situation, adding two years to the age of the accused of 14

years and 8 months, it works out to be 16 years and 8 months, which is less than 18 years. Thus, even in the medical examination report, the age of accused is determined to be less than 18 years at the time of the incident.

27. Under these circumstances, the statement made by accused in the application that his date of birth is is proved by the oral and documentary evidence produced on behalf of the accused. The age of accused on the date of the incident i.e., was 17 years, 05 months and 16 days i.e., less than 18 years. Accused was a juvenile in conflict with law on the date of the incident. Therefore, in view of all the facts and circumstances of the Case, accused is fit to be declared a juvenile in conflict with law."

14. Consequently, the learned Special Judge declared the appellant/accused - as a juvenile in conflict with law in case of Sessions Trial No. titled "State vs. etc." arising out of Crime No. , PS- , District-Azamgarh.

15. Learned counsel appearing for the respondent(s)-State submitted that having regard to the aforesaid report appropriate orders may be made in this case.

16. We take note of the submissions made at the Bar.

17. We have perused the report submitted by the learned Special Judge, District Azamgarh, dated 10.09.2026 taking note of the provisions of the Juvenile Justice Act, applicable to the case at hand, we accept the report and reiterate that the appellant herein was a juvenile on the date of the incident. Hence, the proceedings in Crime No. under Sections 147, 148, 149 and 302 IPC and Section 3(2)(V) of the SC/ST Act, PS- , District -Azamgarh, are quashed as against the appellant herein.

18. The appellant is already on interim bail *vide* order dated 15.05.2026, passed by us and in view of the quashing of the criminal proceedings as against the appellant herein. Consequential steps shall follow before the concerned Sessions Court.

The appeal is allowed in the aforesaid terms.

....., J.
(B.V. NAGARATHNA)

....., J.
(R. MAHADEVAN)

NEW DELHI
OCTOBER 28, 2026

ITEM NO.24 COURT NO.3 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).21302/2025
[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 25-07-2025 IN CRLR NO. 289/2014 PASSED BY THE HIGH COURT OF JUDICATURE AT ALLAHABAD]

PETITIONER(S)

VERSUS

STATE OF U.P & ANR. RESPONDENT(S)

FOR ADMISSION
IA NO. 326127/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA NO. 326128/2025 - EXEMPTION FROM FILING O.T.

Date : 28-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Abinash Kumar Mishra- 1752, AOR
Mr. Gaurav Kumar Pandey, Adv.
Mrs. Aarti Pathak, Adv.

For Respondent(s) : Ms. Srishti Singh- 2552, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed in terms of the signed order, which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI) (DIVYA BABBAR)
COURT MASTER (SH) COURT MASTER (NSH)