

ITEM NO.19 Court 6 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s). 45/2022

RAVINDRA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.16794/2022-GRANT OF BAIL and IA
No.16795/2022-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL
VAKALATNAMA/OTHER DOCUMENT)

Date : 11-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Ms. Anu Gupta, AOR
Mr. Sanjay Mani Tripathi, Adv.

For Respondent(s)

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

Application for exemption from filing original
Vakalatnama/other document is allowed.

We have heard learned counsel for the petitioner
at some length.

We are not persuaded on the issue that the
minority view in a judgment of this Court in *Union of
India vs. V. Sriharan* - (2016) 7 SCC 1 should be
looked into as two of the Judges opined one way in the
Constitution Bench. Once the majority opines in a
particular matter, that is the judgment of the
Constitution Bench which says that there can be

imposition of life imprisonment without any remission till the last breath as a substitution of death sentence. We thus, reject that argument.

We now turn to the only other plea raised that the petitioner was a juvenile at that stage of time. The reference to the impugned judgment says that it has been found that the accused Ravindra was 22 years of age at the time of the judgment. When asked what is the basis for the plea that he was 17 years of age at the time of incident, learned counsel submits that the same is recorded in the order passed based on a Section 313, Cr.P.C. statement but possibly no further investigation took place in this behalf as, at that time, the age of juvenility was 16 years.

Learned counsel for the petitioner says that the plea of juvenility can be raised at any time.

That being the position, we put a question to the counsel as to what is the material on record to show that the petitioner was about 17 years of age at the relevant time.

Learned counsel states that she will have to obtain material in this behalf and thus, would need the help of the petitioner who really does not have a family and thus, makes a prayer for parole for four weeks for the petitioner to make a search for the documents.

Notice limited to the aforesaid aspect
returnable in four weeks.

A copy of the order to accompany the notice.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)