

[2022 LiveLaw \(SC\) 156](#)

**IN THE SUPREME COURT OF INDIA**  
**SANJAY KISHAN KAUL; M.M. SUNDRESH; JJ.**  
Writ Petition(s)(Criminal) No(s). 45/2022; 11-02-2022

**RAVINDRA**  
**VERSUS**  
**UNION OF INDIA & ORS.**

**Law of Precedent - Constitution Bench Judgment - Once the majority opines in a particular matter, that is the judgment of the Constitution Bench.**

*(Para 3)*

**Constitution of India, 1950 - Article 72 and 161 - Code of Criminal Procedure, 1973 - Section 432, 433 and 433A - Indian Penal Code, 1860 - Section 45 and 53 - There can be imposition of life imprisonment without any remission till the last breath as a substitution of death sentence.**

*(Para 3)*

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

**ORDER**

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.

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