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ITEM NO.13

COURT NO.7

SECTION II

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

Petition for Special Leave to Appeal (Crl.) No.6278/2023

(Arising out of impugned final judgment and order dated 10-04-2023 in SBCRRP No. 252/2023 passed by the High Court of Judicature for Rajasthan at Jaipur)

V.K. (JUVENILE)

Petitioner(s)

VERSUS

170030

STATE OF RAJASTHAN & ANR.

Respondent(s)

(IA No. 100101/2023 - EXEMPTION FROM FILING O.T.)

Date : 14-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Certified to be true Copy
for Krishna Kr
Assistant Registrar (Judl)
14-7-23 2023
Supreme Court of India

For Petitioner(s) Mr. Namit Saxena, AOR
Mr. Awnish Maithani, Adv.
Mr. Shivam Raghuwanshi, Adv.

For Respondent(s)

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

Having heard learned counsel for the petitioner we have perused the order impugned .


Though contentions with regard to the nature of the order passed by the High Court is referred to, at this stage we see no need to go into all aspects of the matter, in as much as, at the outset we note that the petitioner has been in custody for more than two years.

00 0.1.1.3

In that view of the matter, we are of the opinion, the prayer made in the petition is liable to be granted. Hence, we direct that the petitioner be released on bail subject to appropriate conditions being imposed by the trial court. For the said purpose, the petitioner shall be produced before the trial court forthwith and appropriate release order be passed.

The special leave petition is disposed of.

Pending application(s) shall also stand disposed of.


(RAJNI MUKHI)
COURT MASTER (SH)


(DIPTI KHURANA)
ASSISTANT REGISTRAR



IN THE SUPREME COURT OF INDIA

ORDER XXII RULE 2(1)CRIMINAL APPELLATE JURISDICTION

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CRL) NO. 6278 OF 2023

(WITH PRAYER FOR INTERIM RELIEF)

[Against the impugned judgment and final order dated 10.04.2023 passed by the Hon'ble High Court of Judicature for Rajasthan at Jaipur, in S.B. Criminal Revision Petition No. 252/2023.]

IN THE MATTER OF:

BETWEEN

POSITION OF PARTIES

BEFORE THE TRIAL COURT	IN THE HON'BLE HIGH COURT	IN THE HON'BLE COURT	THIS
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- | | | | |
|---|----------------|-------------------|-------------------|
| 1. V.K.(JUVENILE)
S/o Shri Gokul Prasad
Lodha,
Age about 17 years,
Through his father Shri
Gokul Prasad Lodha,
S/o Sandesh Lal Lodha,
R/o Near Crasher,
Barda Basti, Anantpura,
Kota, District Kota(RAJ)
(Presently confined in
Child Observation Home
Kota) | ACCUSED | PETITIONER | PETITIONER |
|---|----------------|-------------------|-------------------|

VERSUS

- | | | | |
|---|-----------------------|----------------------------------|----------------------------------|
| 1. STATE
RAJASTHAN
Through SHO, PS
Sangod, Kota, | OF PROSECUTION | RESPONDENT
NO.1 | RESPONDENT
NO.1 |
|---|-----------------------|----------------------------------|----------------------------------|

Rajasthan

2.	TARACHAND S/o Shri Bhawarlal R/o Ward No. 17, Talchi Puliya, Sangod, Kota, District Kota (RAJ.)	COMPLAINANT T	RESPONDENT NO. 2	RESPONDENT NO.2
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TO,

HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUDGES OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION ON BEHALF OF
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the present petitioner is constrained to prefer the captioned Special Leave Petition against the impugned judgment and final order dated 10.04.2023 passed by the Hon'ble High Court of Judicature for Rajasthan at Jaipur, in S.B. Criminal Revision Petition No. 252/2023, wherein and whereby the Hon'ble High Court, without looking into the facts and circumstances of the case and without appreciating the evidence on record, dismissed the criminal revision petition of the petitioner herein.

1A. That the petitioner is a minor and is currently detained in Child Observation Home, Kota.

2. QUESTION OF LAW:

A. Whether the Hon'ble High Court has erred in dismissing the Criminal Revision Petition filed by the petitioner herein?

B. Whether the Hon'ble High Court has erred in determining the question that a child in conflict with law cannot be released u/s Section 436-A of the CrPC, 1973, despite the fact that the petitioner was tried as an adult for 489 days?

Serial No. AI-12547
FRESH COSTS
CRIMINAL MATTER

DATE OF APPLICATION 14/7/23
COPY REQUESTED do
DATE OF DELIVERY do

BRANCH OFFICER
SUPREME COURT OF INDIA
for



for
SEALED IN MY PRESENCE