

SUPREME COURT OF INDIA

Darshan Kumar

Vs.

Secretary, Municipal Corporation, Jabalpur

Crl.A.No.80 of 1972

(A. N. Grover and G. K. Mitter, JJ.)

14.04.1972

ORDER

After hearing counsel for the parties the following order must be made in this case in view of the decision of this Court in 1964 (7) SCR 676 = (1965 (1) Cri LJ 360) when the birth certificate produced shows that the appellant was below 21 years of age at the time of the commission of the offence :-

"The order of the High Court is set aside and the High Court is directed to make an order under Section 6 of the Probation of Offenders Act, 1958 and if it so desires remand the case to the Sessions Court or the trial Court for doing so. The appeal shall stand allowed accordingly. The appellant who was released on bail by this Court can apply to the High Court now for being released on bail."

Ordered accordingly.

