

Hukumdas and Others

Vs

State of Madhya Pradesh

Criminal Appeal No. 493 of 1981

(V.D. Tulzapurkar, A.N. Sen JJ)

04.05.981

JUDGMENT

TULZAPURKAR, J. -

1. Special leave to appeal granted.

2. The counsel for the State of Madhya Pradesh has fairly conceded that it would be right to conclude from the materials on record and also on fresh material which he has received that age of Nand Kumar, petitioner 7 (accused 7) was below 16 years at the date of occurrence. In this view of the matter his conviction as well as the sentence passed upon him will have to be set aside. We accordingly set aside his conviction and sentence and direct him to appear before learned Sessions Judge, Bilaspur and the learned Sessions Judge will dispose of the case in accordance with the provisions of the Madhya Pradesh Bal Adhiniyam, 1970. He should be produced before the Court from the Borstal School where he has been kept for the present.

3. The appeal is disposed of accordingly.

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