

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1517 OF 2009
[Arising out of SLP(Crl.) No. 1824/2009]

SANJEEV KUMAR

... APPELLANT(S)

:VERSUS:

STATE OF HARYANA

... RESPONDENT(S)

O R D E R

Leave granted.

Learned counsel for the appellant places reliance on the judgment of this Court in Bhoop Ram v. State of U.P., (1989) 3 SCC 1, which has been consistently followed by this Court in various decisions rendered subsequently.

Our attention has been drawn to a latest decision of this Court in Vineet Kumar Gupta @ Dharminder v. State of Punjab, (Crl.A. No. 475/2009), decided on 6.3.2009, wherein the accused being a juvenile on the date of occurrence had attained majority and hence he was not sent to a Special Home.

In the instant case, the appellant was 15½ years of age on the date of commission of the offence and now he should be about 26-27 years of age. In this view of the matter and also in view of the aforesaid judgment, the appellant cannot be sent to the Special Home now.

The conviction of the appellant is maintained but his sentence is reduced to the period already undergone by him. We order accordingly.

The appellant is presently in the District Jail, Kurukshetra, Haryana. He is directed to be released forthwith if not required in connection with any other case.

This appeal is partly allowed in aforementioned terms.

.....J
(DALVEER BHANDARI)

.....J
(Dr. MUKUNDAKAM SHARMA)