

Crl. A No. 17 of 2021

Date of order: 30.06.2022

Darius Marwein vs. The State of Meghalaya & anr.

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant : Mr. S. Kumar, Adv. with
Ms. R. Kharkongor, Adv.
Ms. J M Dkhar, Adv.

For the Respondents : Mr. B. Bhattacharjee, AAG with
Mr. A. Kharwanlang, GA

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

The plea of juvenility of the appellant at the time of the alleged commission of the offence has been raised for the first time in this appeal.

2. According to the appellant, who has been convicted under Section 302 of the Indian Penal Code by a judgment of November 19, 2020 and sentenced to life on December 1, 2020 along with a fine of Rs. 30,000/-, he was born on December 4, 1990. As a consequence, the appellant claims that he was less than 18 years old as on January 1, 2007.

3. It is fairly submitted on behalf of the State that such plea can be taken at any stage and the matter requires to be considered on evidence. At the suggestion of the State, the matter is remanded to the trial court only for the consideration of the issue as to whether the appellant was or was not below the age of 18 as on January 1, 2007, the date of the incident.

4. The trial court should make every endeavour to decide the issue within three months of receipt of an authenticated copy of this order. The parties should cooperate and not seek any unnecessary adjournment before the trial court. In the event the issue is answered in favour of the appellant herein, an appropriate order should follow upon the impugned judgment and sentence being set aside.

5. In view of the above, no discussion is called for on the merits of the judgment of conviction or the sentence passed thereupon.

6. CrI. A. No. 17 of 2021 is disposed of as above without prejudice to the rights and contentions of both sets of parties.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
30.06.2022
"Sylvana PS"