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DEVILAL V STATE OF MADHYA PRADESH

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CITATION: [(2021) 5 SCC 292]

Criminal Appeal No. 989 of 2007

BENCH: J. UU. Lalit, J Indira Banerjee, J KM Joseph

DATE OF DECISION: 25TH February 2021

COURT: Supreme Court of India

APPELLANT: Devilal and others

RESPONDENT: State of Madhya Pradesh

STATUTES/ CONSTITUTION INVOLVED: Indian Penal Code, Juvenile Justice Act, 1986 and Juvenile Justice Act, 2000

IMPORTANT SECTIONS/ ARTICLES: Indian Penal Code- Section 302 read with Section 32 Juvenile Justice Act. 2000- Section 20

“In this case, the court considered to what extent could the benefit under the Juvenile Justice Act be extended where the offender was above 16 years and less than 18 years of age on the day the offence was committed.

The Court held that in such a case, even if the accused were guilty, the matter must be remitted to the jurisdictional Juvenile Justice Board.”¹

¹ Faculty, L. (2022) *Devilal v. state of Madhya Pradesh* " law faculty, Law Faculty " law faculty. Available at: <https://lawfaculty.in/devilal-v-state-of-madhya-pradesh/?amp=1> (Accessed: 19 June 2023).

FACTS OF THE CASE:

The appellants in this case, Devilal and his sons Gokul and Amrat Ram, appealed the High Court of Madhya Pradesh's decision to try the appellant and his sons for a particular offence to the Supreme Court. On July 14, 1998, Ganeshram, a resident of the same village as Devilal, filed a FIR in this matter. Devilal was charged with murder in connection with a caste dispute. Ganeshram, the sufferer, subsequently perished from heavy bleeding. After all of the arguments, the trial court declared Devilal, Gokul, and Amrat Ram guilty, although not in accordance with the SC/ST Act. Later, the High Court of Madhya Pradesh issued its ruling and upheld the conviction. Supreme Court received a Supreme Court appeal. Devilal killed the victim Ganeshram along with his two kids, Gokul and Amrat Ram. He couldn't live, even after being taken to the hospital. Ganeshram, the victim, filed a FIR on July 19, 1998, alleging that Devilal and his sons, who were armed with kulhari, talwar, and lathis, as well as Gokul and Amrat Ram, assaulted him as he was on his way home and that Devilal had also called him. When he yelled for aid, his wife Sajan bai, sister-in-law Saman bai, and mother Gattu bai went to defend him; however, in doing so, Saman bai received a punch to the elbow. They struck him, causing a fracture in his right hand, swelling below the eye, and a cut on his right calve. Satyanarain was then placed in a tractor by the family and driven to the police station, where he filed a FIR before being transferred to the district hospital.

Later, at midnight, Ganeshram passed away. On May 1, 1999, the trial court sentenced the defendants to life in prison and a fine after carefully examining all the available evidence, including the FIR and eyewitness statements. However, the case had already been established against Gattubai, Devilal's wife, and none of the defendants had been found to be in violation of the SC/ST Act. The Supreme Court and the High Court both upheld the judgement. In the current case, the appellant Devilal and his sons Gokul and Amrat Ram appealed the decision of the High Court of Madhya Pradesh, which had tried the appellant and his sons for a particular offence, to the Supreme Court. Ganeshram filed a FIR in this instance. Devilal, Gokul, and Amrat Ram battered Ganeshram with kulhari, talwar, and lathi before they took him to the police station, where he filed the FIR before being brought to the district hospital. The victim's condition was not good; he was mute and unable to have his blood pressure taken. Ganeshram, the victim, passed away later, after midnight, and a postmortem was performed to examine his interior and exterior wounds. Excessive bleeding was listed as the cause of death.

Accused Devilal, Gokul, and Amrat Ram were detained following an initial inquiry, and the appellants, together with Devilal's wife Gattubai, were tried in a special crime case. The prosecution proved the offence under section 302 read with 34 IPC as against accused Devilal, Gokul, and Amrat Ram; however, the case was not proven as against fourth accused Gattubai, wife of Devilal, and none of the accused was found guilty under offences punishable under section 302 or 34 IPC. The trial court found that the FIR recorded at the instance could be relied upon as the dying declaration. Then an appeal was filed with the High Court, where it was argued that in light of the medical documentation, the deceased was unable to have provided any statements to the police that might have formed the foundation of a FIR. However, the court rejected the arguments and upheld the conviction and sentence imposed on the defendants Devilal, Gokul, and Amrat Ram in its judgement from September 14, 2006, which was later overturned by the Supreme Court. According to a court judgement dated 8 April 2009, the defendants Devilal and Gokul were also freed on bail after serving a total of nine years and four months in jail. A petition was submitted, among other things, stating that the accused Amrat Ram was a minor at the time the act was committed and claiming juvenile status. Amrat Ram was 16 years, 11 months, and 26 days old when the offence was committed, according to an investigation and report given to the honourable court. The Juvenile Justice (Care and Protection of Children) Act of 2000 raised the age of juvenility for male juveniles from 16 to 18 years, hence he wasn't a minor as defined by the Juvenile Justice Act of 1986. The Jurisdictional Juvenile Justice Board was given the case so they may decide how much of a fine to impose on Amrat Ram.²

ISSUES RAISED:

The Juvenile Justice Act of 1986, which stipulated that anybody under the age of 16 was deemed a juvenile, was in effect at the time the offence was committed in 1998. Amrat Ram, Devilal's second son, was 16 years, 11 months, and 26 days old when the crime was committed. He was therefore obviously not a minor in the sense of the minor Justice Act of 1986. However, under the Juvenile Justice (Care and Protection of Children) Act of 2000, this age was increased to 18. The Sessions Court was mandated by the Supreme Court to look into this juvenility matter and give a report.

² Law Foyer (2022) *Devi Lal v. state of Madhya Pradesh*, Law Foyer. Available at: <https://lawfoyer.in/devi-lal-v-state-of-madhya-pradesh/> (Accessed: 19 June 2023).

CONTENTION:

ARGUMENTS FROM THE SIDE OF APPELLANT:

The ruling of the Madhya Pradesh high court was contested by the appellants Devilal, Gokul, and Amrat Ram, who for the first time insisted on Amrat Ram's youth as a defence.

1. Ganeshram's health wasn't good, and the FIR wasn't filed until more than three hours after the crime was done, according to the learned Senior Advocate for the appellants, Mr. Sushil Kumar Jain, who presented this argument. It would be hard to suppose that Ganeshram could have reported anything to the police.
2. He further claimed that Sajan Bai, the primary witness, had admitted that the witnesses had received instruction.
3. The prosecution witness, 7 Laxminarayan, has admitted during cross-examination that the front of Devilal's house, where the offence was committed, was not visible to the supposed eye witnesses, according to the learned Senior Advocate for the appellants, Mr. Sushil Kumar Jain.

ARGUMENTS FROM THE SIDE OF RESPONDENT:

1. The evidence of Prosecution Witness 9, Dr. Kothari, demonstrates that Ganeshram was alive when the initial examination was conducted, according to Mr. Harmeet Singh Ruprah, an experienced attorney for the State. According to the witness, Ganeshram's blood pressure could not be measured when the doctor checked him, but it does not mean that he was unable to speak with police two hours earlier. The report explicitly states that the person's inability to talk is only an expert's opinion and that there is no documentation of the symptoms that he was unable to speak immediately after the event or after the FIR was filed.
2. The presence of witnesses Sajan Bai and Saman Bai was required from the moment the crime was reported, and there was no cross-examination conducted on this point, according to Mr. Harmeet Singh Ruprah, an experienced attorney for the State. The distance between their home and Devilal's was just 100 feet.
3. The State's knowledgeable attorney, Mr. Harmeet Singh Ruprah, said that the firearms had also been found.
4. The presence of PW1-Sajan Bai and PW2-Saman Bai was mentioned in the FIR itself, according to Mr. Harmeet Singh Ruprah, an experienced attorney for the State. The testimony of these two witnesses unequivocally establishes that the appellants initiated the assault on Ganeshram that resulted in his death. The claim made by PW1 Sajan Bai that

her prior statement, which was recorded throughout the investigation, was read to her does not imply that she was instructed to take the prosecution's course of inquiry. It's important to note that PW2-Saman Bai wasn't asked any questions of this nature. Therefore, even if PW1-Sajan Bai's testimony is disregarded, the testimony of PW2-Saman Bai, combined with Ganeshram's final statement, thoroughly establishes the case against the appellants.³

RATIONALE:

For the purpose of *Devilal v. State of Madhya Pradesh*, we shall now explore the reasons and reasoning used by the court in this case and the aforementioned case laws. It was established by the prosecution through the judgement and decision of the trial court (05.01.1999) that Devilal and his two sons were guilty of violating Sections 302 and 34 of the Indian Penal Code. It should be emphasised that despite the fact that the claimed conflict was caste-based, the court did not find them guilty of any crimes covered by the SC/ST Act. The appellants were sentenced to life in prison and a fine of Rs. 5000 each after being found guilty under Sections 342 and 34 of the IPC by a separate judgement. Later, the appellants requested in a Criminal Appeal 700 of 1999 filed with the High Court that the medical testimony offered by Dr Kothari be taken into account. They argued that it was exceedingly improbable that the deceased, Ganeshram, gave any statement to the police prior to passing away from his injuries, which served as the basis for the FIR in the current case. The High Court dismissed the accused's Criminal Appeal No. 700 of 1999 after upholding the verdict and sentence imposed on Devilal and his sons Gokul and Amrat Ram. This judgement is dated September 14, 2006.

Furthermore, it was asserted that Amrat Ram, Devilal's second son, was a minor when the crime was committed. The statement of the accused's juvenility might be put before the Court for the first time in light of the ruling in *Hari Ram v. State of Rajasthan*. This Court ordered the Sessions Judge, Neemach, to look into the matter of juvenility by order dated 3.10.2018, and it was discovered that Amrat Ram, the accused, was 16 years, 11 months, and 26 days old in 1998. According to the Juvenile Justice Act 2000, he was therefore determined to be a juvenile on the date of the offence. The Juvenile Justice Act of 2000 raised the age of juvenility to 18 years

³ Law Foyer (2022) *Devi Lal v. state of Madhya Pradesh*, *Law Foyer*. Available at: <https://lawfoyer.in/devi-lal-v-state-of-madhya-pradesh/> (Accessed: 19 June 2023).

therefore it was time to address what should be done with the juvenile status of the accused. It was noted that Section 20 of the Juvenile Justice Act of 2020 states that, despite anything else in the Act, in any proceedings involving a juvenile that are ongoing in any court on the date this Act enters into force, if the court determines that the juvenile has committed an offence, it shall record such finding and, rather than imposing a sentence on the juvenile, forward the juvenile to the Board, which shall handle the juvenile in accordance with the provisions of the Act. Amrat Ram must thus be forwarded to the local Juvenile Justice Board, which will determine the proper amount of fine to impose on him.⁴

DEFECTS IN THE LAW:

Juvenile Justice Act, 1986- this act lays rules and laws regarding care, protection, development and rehabilitation of juveniles and matters related to disposition of delinquent juveniles. Section 20, Justice (care and protection of children) Act, 2000-, if there is any case involving juvenile in any court on the date this act came into being all proceedings in shall be continued in that court as if this Act had not been passed and if the court find the accused to be juvenile or any juvenile committing offense it shall record the evidences and findings but instead of passing any sentence in respect of the juvenile, it must forward the juvenile to the Board which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that a juvenile has committed the offense. The defects in the law in this was that judgement of trial court was passed according 1986 Act but later on while the case was going on new amendment was made in the Act as 2000 amendment act and because of that there was so much confusion. So the laws should be appropriate so that there will not be any problem to both the parties.

INFERENCE/ CONCLUSION:

We considered the ratio decidendi and arguments of the Supreme Court, High Court of Madhya Pradesh, and Trial Court for the purposes of this case in accordance with Sections 34, 302 and 342 of the Indian Penal Code, the Juvenile Justice Act 1986, and Section 20 of the Juvenile Justice Act 2000. Amrat Ram received justice under Section 20 of the Juvenile Justice Act of 2000 since the juvenile age specified in the Act of 1986 was increased in the Act of 2000 from 16 to 18. A 2018

⁴ Law Essentials *Devilal v. state of Madhya Pradesh, Law Essentials*. Available at: <https://lawessential.com/m%26a-deals-%26-cases-archive/f/devilal-v-state-of-madhya-pradesh> (Accessed: 19 June 2023).

investigation into this matter was launched as a result of this modification, and it was discovered that Amrat was a juvenile at the time the offence was committed in accordance with the Juvenile Justice Act of 2020.

Juvenility-related case statutes were considered (as shown above), and Hari Ram v. State of Rajasthan served as the catalyst to bring up the subject before the court for the first time. The court decided to reverse the life sentence that had been given to Amrat Ram after finding him guilty of the original crime. The court made the decision to refer the case to the relevant body, the jurisdictional Juvenile Justice Board, in order to determine the proper amount of fine to be imposed on the accused Amrat Ram. Thus, the Supreme Court of India decided the appeal on February 25, 2021.

