

# Golu @ Goldi vs The State Of Madhya Pradesh on 22 June, 2022

**Author: Subodh Abhyankar**

**Bench: Subodh Abhyankar, Satyendra Kumar Singh**

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR  
&  
HON'BLE SHRI JUSTICE SATYENDRA KUMAR SINGH

MISC. CRIMINAL CASE No. 11264 of 2021  
Between:-  
GOLU @ GOLDI S/O JOSEF DENIAL ,  
AGED ABOUT 31 YEARS, 36,  
BHAGATSINGH NAGAR BANGANGA  
NAKA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MANISH SANKHLA, ADVOCATE )  
AND  
THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THR. P.S.  
BANGANGA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI AMIT SINGH SISODIA, G.A.)

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Reserved on : 20/04/2022  
Delivered on : 22/06/2022  
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This application coming on for order this day, HON'BLE

SHRI JUSTICE SUBODH ABHYANKAR passed the following:  
Digitally signed by KHEMRAJ JOSHI  
Date: 2022.06.23 16:20:47 +05'30'

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:: ORDER :

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(Passed on 22/06 /2022) 1] This application has been filed for release of the applicant Golu @ Goldi from jail as he is lodged in jail in connection with his conviction under Section 482 of Cr.P.C. on the ground that he is a juvenile and has already completed more than 8 years in jail and as per the Juvenile Justice Act, he cannot be put behind the bars for more than three years.

2] On perusal of the application, it appears to be a badly drafted one, as in effect, the prayer only says that the applicant be released on completion of his jail sentence, in such circumstances, when the applicant's appeal is already pending before this court, this court was inclined to dismiss this application as not maintainable however, it is claimed that the applicant is a juvenile, we have also heard the learned counsel for the applicant on this application as well.

3] The aforesaid application has been filed citing the judgment of the Hon'ble Supreme Court that the plea of the applicant being juvenile can be taken up at any stage of proceedings. In support of the aforesaid application, various documents have also been filed to demonstrate regarding his age, date of birth being 29/07/1990 and as he was born in a Christian family, he was baptized vide Ex.P/4 in which also, his date of birth is said to be 29/07/1990 whereas, the date of incident is .11.07.2006. Thus, it is claimed that he was less than 16 years old at the time of incident. Shri Sankhala, learned counsel for the applicant has also submitted that these are the old documents and at the time when they were executed, there was no reason for the parents of the applicant to mention a wrong date of birth. His School Leaving Certificate has also been filed. 4] On the other hand, the aforesaid application has been opposed by the learned counsel for the respondent/State on the ground that this ground was specifically raised before the Trial Court but the documents which have been placed on record to prove the age of the applicant were found to be forged, however, the learned trial Judge before scrutinizing the said documents, allowed the bail application of the applicant. However, immediately after being released on bail, the applicant committed yet another offence by carrying out a bomb blast in the house of the complainant, for which, Crime No.183/2007 was registered against him on 28/03/2007, and a case under Section 307/34 of IPC read with Section 3 and 4 of the Explosives Act, 1884 and when the application for cancellation of bail was filed, the learned Judge of the Trial Court took cognizance of various documents filed by the applicant regarding his age and it was found that the documents are suspicious in nature and that in MLC also his age is said to be 20 years, thus, holding that the applicant had obtained the bail on earlier occasion by filing false papers, his earlier bail order was also cancelled. Subsequently a criminal case was also registered against the father of the applicant Joseph Denial for filing false documents of age of the applicant in the Trial Court.

5] It is further submitted that the aforesaid case which was tried as ST No.404/2014, was decided on 21/01/2020 and the father of the applicant has been acquitted on the ground that the prosecution has not been able to prove its case beyond reasonable

doubt which in itself cannot be said to be a circumstance to demonstrate that the present applicant Goldie was minor at the time of incident.

6] Heard.

7] From the record, it is found that the applicant's application

for bail has already been dismissed by the Juvenile Board on 20.01.2006 considering his long list of 13 criminal cases registered against him from 2001 till 2006 which include two cases of robbery, thefts etc. But, on 19.01.2007 his application for bail was rejected and the appeal against which was allowed by the lower appellate court on 12.02.2007. However, the aforesaid order was cancelled by the lower appellate court on the ground of misuse of the bail order as the applicant was again found to be involve in a bomb blast case in Crime No.183/2007 u/s.307/34 and S.3& 4 of the Explosives Act, 1884 also on the ground that he had filed forged documents regarding his age on the earlier occasion.

8] So far as the acquittal of the applicant's father in ST No.404/2014 is concerned in which he was trying for filing forged documents of the present applicant in the Court to obtain undue benefit of Juvenile Justice Act, this Court is of the opinion that in the aforesaid judgement, the applicant's father has been acquitted giving him benefit of doubt of which the applicant cannot derive any benefit. Even otherwise, counsel for the applicant was not in a position to inform this Court as to what happened to the applicant's case when it was sent to the Juvenile Court and what was its outcome. In such circumstances, this Court is not inclined to allow the present application to come to a conclusion that the applicant was juvenile.

Accordingly, the application being devoid of merit is hereby dismissed.

(SUBODH ABHYANKAR)  
JUDGE

(SATYENDRA KUMAR SINGH)  
JUDGE

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