

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

**Review Petition (Crl.) Nos. _____ of 2024
(Dy. No. 38282/2019)**

IN

Criminal Appeal Nos. 283-285 of 2019

GAURAV KUMAR @ MONU

Petitioner(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

ORDER

Delay condoned.

These review petitions have been filed seeking review of the judgment dated 15.2.2019 wherein, while requesting the High Court to consider the question of juvenility afresh before proceeding with the pending appeal, this Court observed that the relevant Rules required to be looked into are the Juvenile Justice (Care and Protection of Children) Rules, 2001. The review of the judgment is sought for contending that a manifest error had crept in the judgment, based on the provisions under Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007. To buttress the said contention, learned counsel for the petitioner places reliance on the decisions of this Court in "**Hari Ram vs. State of Rajasthan, 2009 (13) SCC 211**" and "**Vikram Singh vs. State of Haryana, 2009 (13) SCC 645**".

Heard learned counsel for the petitioner and also the learned counsel

appearing for the State. In the light of the law laid down in **Hari Ram** (supra) and **Vikram Singh** (supra), there cannot be any doubt with regard to the position as to which provision is applicable while considering the question of juvenility of the petitioner afresh in terms of the judgment sought to be reviewed viz. judgment dated 15.2.2019. In unambiguous terms, this Court held that provisions of Juvenile Justice (Care and Protection of Children) Act, 2000 and Juvenile Justice (Care and Protection of Children) Rules, 2007 were applicable while considering the question of juvenility in view of the law laid down by this Court in **“Murthi vs. State of Karnataka (2008) 7 SCC 517”**.

Though the learned counsel for the respondent submits that the judgment sought to be reviewed was rightly decided and does not require a review, we are of the view that there occurred a manifest error/apparent and it requires correction. In view of the error which is apparent on the fact of it, the mistake occurred in a judgment has to be corrected for the reason that a party shall not be made to suffer for the mistake or error committed by this Court and for that, in our view, the petitioner cannot be asked to work out remedies elsewhere.

Hence, we review paragraph 17 of the judgment dated 15.02.2019 to the extent vide which this Court required the High Court to look into the provisions of Juvenile Justice (Care and Protection of Children) Rules, 2001. The said requirement, under paragraph 17 of the judgment stands corrected as one requiring to look into the relevant rules under the Juvenile Justice (Care and Protection of Children) Rules, 2007. Ordered accordingly.

The Review Petitions are accordingly disposed of.
Pending application(s), if any, stands disposed of.

.....J.
(C.T. RAVIKUMAR)

.....J.
(RAJESH BINDAL)

**NEW DELHI;
JANUARY 29, 2024**

ITEM NO.34

COURT NO.13

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

REVIEW PETITION (CRIMINAL) Diary No(s). 38282/2019

(Arising out of impugned final judgment and order dated 15-02-2019 in CrI.A. No. No. 283/2019 15-02-2019 in CrI.A. No. No. 285/2019 15-02-2019 in CrI.A. No. No. 284/2019 passed by the Supreme Court Of India)

GAURAV KUMAR @ MONU

Petitioner(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

IA No. 163144/2019 - CONDONATION OF DELAY IN FILING REVIEW PETITION)

Date : 29-01-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Prem Malhotra, AOR

For Respondent(s) Mr. Birender Kumar Choudhary, A.A.G.
Ms. Padma Choudhary, Adv.
Mr. Madhav Anand, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Keshav Mittal, Adv.
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.
Mr. Rajat Sinha Roy, Adv.

Mr. Vishwa Pal Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The Review Petitions are disposed of in terms of the signed order, placed on the file.

(DR. NAVEEN RAWAL)
ASTT. REGISTRAR-cum-PS(MATHEW ABRAHAM)
COURT MASTER (NSH)