

OM PRAKASH VERSUS UNION OF INDIA & ANR.

~Aradhya Anand

The Supreme Court, in this judgment noted, “We are dealing with a case where grave injustice has been perpetrated, on account of the consistent failure on part of the judicial machinery to recognise and act upon the constitutional mandate vis-a-vis the plea of juvenility. ... Justice is nothing but a manifestation of the truth.

Appellant: Om Prakash @ Israel @ Raju @ Raju Das

Respondent: Union of India & Anr.

Date of Judgement: 8 January, 2025

Jurisdiction: Supreme Court of India

Bench: Justice Arvind Kumar, Justice M. M. Sundresh

Citation: 2025 INSC 43 (Criminal Appeal No. 4229 of 2024)

BACKGROUND

In 1994, the Appellant was charged for the offence of culpable homicide amounting to murder. On recording of the statements, he mentioned his age as 20 years as on March 7, 2001, suggesting he was 14 years old at the time of the offence. Despite raising the plea of juvenility multiple times, the appellant’s claim was overlooked at various judicial stages due to procedural lapses and reliance on irrelevant evidence such as his bank account details. The appellant was convicted, sentenced to death by the trial court, and later had his sentence commuted to life imprisonment with a stipulation that he remain incarcerated until the age of 60. He continued to assert his juvenility through review petitions, curative petitions, and writ petitions, supported by school certificates and ossification tests, which indicated his age as 14 at the time of the offence.

ISSUES RAISED

The case brought forth the following legal and constitutional issues:

1. Whether the appellant was entitled to the benefit of the Juvenile Justice Act, 2015, even after final disposal of his case?
2. Whether prior courts erred in failing to properly adjudicate the plea of juvenility under the applicable legal framework?
3. Whether the role of constitutional mandates under Articles 14, 15, and 21, in ensuring the appellant’s rights to rehabilitation and protection as a juvenile in conflict with law?

ARGUMENTS PRESENTED:

Appellant's Arguments:

The appellant counsel argued that the court failed to properly recognize the appellant age and the implications of being a juvenile at the time of the offense. The procedural missteps and lack of adherence to the Juvenile Justice Act constituted a grave injustice.

Respondent's Arguments:

The respondent likely maintained that the judicial process was followed correctly, but this position was challenged by the appellant claims of age and the misapplication of the law.

Key Points of Law and Analysis

1) Role of the Court in Discovering the Truth:

Justice M.M. Sundresh emphasized that courts are obligated to act as active seekers of truth, particularly in cases involving juveniles. Procedural law must be subordinated to substantive justice when determining juvenility.

2) Constitutional Protections:

The judgment reinforced the constitutional principles of Article 15(3), Article 39(e) and (f), and Article 45, which mandate the State to ensure special care and protection for children. The doctrine of *parens patriae* was invoked, emphasizing the court's duty to act as a guardian for juveniles.

3) Plea of Juvenility: Section 9(2) of the 2015 Act allows juvenility claims to be raised at any stage, including after the final disposal of a case. The court held that the appellant's claim should have been adjudicated in compliance with this provision.

4) Procedural Lapses in Earlier Rulings:

The trial court, High Court, and prior proceedings in the Supreme Court failed to properly adjudicate the appellant's juvenility despite school certificates and ossification tests confirming his age as 14 at the time of the offence. The reliance on irrelevant evidence, such as the appellant's bank account details, was deemed untenable.

5) Retrospective Application of Juvenile Justice Laws:

The court noted that both the Juvenile Justice Act, 2000, and the 2015 Act allow for retrospective application to cases where the claim of juvenility has not been adjudicated following law.

6) Judicial Review of Presidential Orders:

While the court acknowledged the limited scope of judicial review for Presidential Orders under **Article 72 of the Constitution**, it clarified that the plea of juvenility and review of the sentence imposed are distinct issues. The failure to apply mandatory provisions of the 2015 Act warranted judicial intervention.

JUDICIAL OBSERVATION

The Supreme Court examined the constitutional mandate for protecting juveniles, emphasizing the principles of reformation, rehabilitation, and reintegration. The Juvenile Justice (Care and Protection of Children) Act, 2015 (“2015 Act”) requires courts to determine the age of an accused if juvenility is raised at any stage, even after the final disposal of the case.

The Court observed that, Justice is nothing but a manifestation of the truth. It is truth which transcends every other action. The primary duty of a Court is to make a single-minded endeavour to unearth the truth hidden beneath the facts. Thus, the Court is a search engine of truth, with procedural and substantive laws as its tools. The Court remarked that a child is a product of the present, in need of being moulded, to thrive in the future and therefore, deviant behaviour of a child in conflict with law should be a concern of the society as a whole. “One must not lose sight of the fact that the child is not responsible for an act of crime, but is rather victimized by it.

JUDGMENT

The Supreme Court allowed the appeal, set aside the appellant’s sentence beyond the prescribed limits for juveniles, and ordered his immediate release. It directed the Uttarakhand State Legal Services Authority to facilitate the appellant’s reintegration into society, focusing on his rights to livelihood, shelter, and sustenance under Article 21 of the Constitution.

CONCLUSION

This judgment underscores the judiciary’s role in safeguarding the rights of juveniles under constitutional and statutory mandates. By correcting grave injustices and procedural lapses, the court reaffirmed the principles of fairness, truth, and the rehabilitative spirit of juvenile justice. The ruling serves as a reminder of the judicial system’s role in safeguarding the rights of the vulnerable and ensuring that procedural justice does not overshadow substantive justice. Judicial systems must remain vigilant in applying laws that protect juveniles, ensuring that their treatment aligns with constitutional mandates and the principles of justice and truth.