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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010372482026
+ **CRL.REV.P. 473/2026 CRL.M.A. 24633/2026 CRL.M.A. 24634/2026**

MANOJ KUMAR

.....Petitioner

Through: Mr. Bakul Jain, Mr. Naman Agarwal,
Mr. Aditya Dev Sharma and Mr. Yash
Sharma, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State.
SI Krantivir, PS Preet Vihar

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **13.08.2026**

1. This hearing has been done through hybrid mode.
2. By way of the present revision petition filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'JJ Act'), the petitioner seeks to set aside the judgment dated 17.07.2026 passed by the learned ASJ-01 (POCSO and Children's Court), East District, Karkardooma Courts, Delhi in **CA No.434/2025**, whereby the appeal preferred by the petitioner was dismissed and the order dated 15.10.2024 passed by the learned Juvenile Justice Board-IV (hereinafter, referred to as '**JJB – IV**'), East District, declaring the petitioner to be a major on the date of the alleged occurrence, was affirmed.

BRIEF FACTUAL MATRIX.

3. The present revision petition arises out of an inquiry undertaken for



determination of the petitioner's age in connection with **FIR No.240/2024** registered at Police Station Preet Vihar, District East, Delhi. Upon his apprehension on 03.09.2024, the petitioner disclosed his age as 16 years and the Age Memo prepared by the Investigating Officer (IO) recorded his age as approximately 15 to 16 years. The petitioner was, therefore, produced before the learned JJB - IV as a Child in Conflict with Law (hereinafter, referred to as 'CCL') and an inquiry to determine his age was initiated.

4. In the course of the inquiry, the petitioner's elder brother stated that the petitioner had earlier studied in a government school at Sahaswan, District Badaun, Uttar Pradesh. Upon verification, the concerned school reported that no admission or registration record of the petitioner was available. The IO also placed on record the verified documents of a school in Delhi attended by the petitioner, including the date of birth certificate, admission form, extract of the admission and withdrawal register and the affidavit stated to have been furnished at the time of admission. These documents record the petitioner's date of birth as 08.01.2005.

5. On consideration of the material placed before it, the learned JJB - IV, *vide* order dated 15.10.2024, declared the petitioner to be a major on the date of the alleged occurrence. The statutory appeal preferred by the petitioner against the said order came to be dismissed by the learned ASJ-01 *vide* judgment dated 17.07.2026. Aggrieved thereby, the petitioner has invoked the revisional jurisdiction of this Court seeking to set aside the same.

SUBMISSIONS BY PARTIES

6. Learned counsel for the petitioner submits that the controversy in the present petition is confined to the determination of the petitioner's age on the date of the alleged offence. At the time of his apprehension, the petitioner and



his brother stated that he was 16 years old, while the IO assessed his age to be about 15–16 years. The petitioner also disclosed his age as 16 years when first produced before the learned JJB - IV.

7. Questioning the reliance placed upon the school record, learned counsel submits that the date of birth recorded therein as 08.01.2005 is founded solely upon a declaration furnished by the petitioner's father and is not supported by any contemporaneous birth record.

8. It is further submitted that the petitioner and his brother, Geetam, whose dates of birth are recorded as 08.01.2005 and 09.10.2003 respectively, were admitted to Class I in the same school on the same date and assigned consecutive admission numbers. Learned counsel contends that this circumstance casts doubt upon the reliability of the record.

9. The learned counsel further submits that the absence of any admission record in the government school at Badaun would not establish that the Delhi school was the first school attended by the petitioner, particularly when his father had stated that the petitioner had earlier studied privately and not in a government or government-recognised school.

10. On the strength of the aforesaid circumstances, the learned counsel for the petitioner prays that an ossification test be directed under Section 94(2)(iii) of the JJ Act. He further seeks an expeditious determination as the petitioner is approaching the age of 21 years.

11. Per contra, learned APP for the State supports the impugned judgment and submits that the learned JJB - IV conducted the requisite inquiry in accordance with Section 94 of the JJ Act stating that the duly verified school records, maintained since the year 2010, consistently record the petitioner's date of birth as 08.01.2005.



12. It is further submitted that the claim of the petitioner having attended a school at Badaun was duly verified, but no corresponding admission record was found. He further submitted that the petitioner neither produced any contrary documentary material nor placed anything on record to substantiate the allegation that the Delhi school record was fabricated.

13. Learned APP further submits that physical appearance can be deceptive and cannot constitute a safe or determinative basis for assessing age when duly verified school records are available. It is, accordingly, submitted that no ground is made out either for directing an ossification test or for interfering with the impugned judgment.

ANALYSIS AND FINDINGS

14. This Court has heard the learned counsel for the petitioner and the learned APP for the State and has perused the material placed on record.

15. The scope of the present petition is limited. In exercise of the jurisdiction under Section 102 of the JJ Act, this Court is required to examine the legality and propriety of the impugned judgment and is not sitting as a Court of second appeal to undertake a fresh reappreciation of the entire material. Interference would be warranted only if the age determination is contrary to Section 94 of the JJ Act, unsupported by the record or otherwise perverse.

16. Section 94(2) of the JJ Act prescribes a clear order of preference for age determination. The relevant portion reads as under:

“(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—



(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.”

17. Section 94(2)(i) of the JJ Act gives precedence to the date of birth certificate issued by the school. In the present case, the certificate issued by the Delhi school falls within the said category and is supported by the verified admission form, admission and withdrawal register, and the affidavit furnished by the petitioner’s father at the time of admission. These documents consistently record the petitioner’s date of birth as 08.01.2005 and show that he was admitted to Class I on 22.07.2010 vide Admission No. 8585 and left the school on 25.03.2015 after passing Class V. No material has been placed on record to show that these entries were subsequently altered or tampered with.

18. The contention that the Delhi school was not the first school attended by the petitioner also merits rejection. The expression “school first attended”, which found place in Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, does not find mention in Section 94(2) of the JJ Act. The Delhi school record cannot, therefore, be excluded merely on the basis of the assertion that the petitioner had attended another school earlier.



19. Once the school record is found to fall within the first category of documents prescribed under Section 94(2) of the JJ Act, the absence of a separate birth record accompanying the father's declaration does not, by itself, render it unreliable. The admission of the petitioner and his brother, who are about fifteen months apart in age, to the same class on the same date under consecutive admission numbers is also not so unusual or improbable as to establish fabrication, particularly in the absence of any material to the contrary.

20. The plea concerning the alleged school at Badaun does not advance the petitioner's case either. Upon verification, the concerned government school reported that no admission or registration record of the petitioner was available and the petitioner has also not produced any document establishing his admission in that or any other school at Badaun. Even if the father's affidavit is read as referring to earlier private study, it neither establishes enrolment in another recognised school nor discloses a different date of birth.

21. The Age Memo, the petitioner's statement and the assessment based upon his physical appearance were sufficient to warrant an age inquiry. However, once the inquiry yielded the documentary evidence prescribed under Section 94(2) of the JJ Act, these circumstances could not constitute conclusive proof of age. The petitioner's initial production before the learned JJB-IV as a CCL was only a protective measure pending determination of his age. Physical appearance may be deceptive and a visual assessment cannot override duly verified school records.

22. Consequently, no occasion arose for directing an ossification test. Such a test is not an additional mode of verification available at the option of a party merely because the documentary determination is unfavourable. The fact that



the petitioner is approaching the age of 21 years does not create an entitlement to a test which is otherwise unwarranted under the statutory scheme.

23. The judgments relied upon by learned counsel for the petitioner have already been considered by the learned Appellate Court while passing the impugned judgment. Therefore, no separate discussion thereof is called for in the present revision petition.

24. In view of the foregoing discussion, the petitioner's age has been determined on the basis of the documentary evidence prescribed under Section 94 of the JJ Act. The objections raised by the petitioner do not discredit the school record or disclose any illegality, perversity or material irregularity in the impugned judgment. Therefore, no ground for interference in exercise of revisional jurisdiction under Section 102 of the JJ Act is made out.

CONCLUSION

25. Accordingly, the impugned judgment dated 17.07.2026 is upheld and the present petition is dismissed. Pending application(s), if any, also stand(s) disposed of.

26. It is clarified that the observations made herein are confined to the determination of the petitioner's age and shall not be construed as an expression on the merits of the case.

27. A copy of this order be sent to the trial court for necessary information and compliance.

28. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 13, 2026/b/PG