

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.623 of 2013

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Vishal Kumar Pandey @ Vishal Pandey S/O Late Chintu Pandey
Represented Through His Mother As A Guardian Namely Most. Binda Devi
W/O Late Chintu Pandey Resident Of Village Chitu Tola, P.S. Thawe,
District Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Prem Sagar Pandey, S/O Santjee Pandey, R/V Chitu Tola, P.S. Thawe,
District-Gopalganj.

.... Opposite parties.

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Appearance :

For the Petitioner : Mr. Mukesh Kumar, Advocate.
For the State : Mr. Harendra Prasad (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

8 06-04-2015 The petitioner seeks quashing of the order dated 08.04.2013, passed by the Adhoc Ist Additional Sessions Judge, Gopalganj, in Cr. J.J. Appeal No. 08 of 2013, by which he has affirmed the order dated 30.01.2013 by which the Juvenile Justice Board, Gopalganj, in J. E. Case No. 89 of 2012 had directed the petitioner to appear before another Medical Board.

The fact of the case is that F.I.R. was instituted for kidnapping of a minor child of the informant who was killed for ransom. The petitioner's name subsequently appeared in the case whereupon the petitioner filed an application claiming therein that he was a juvenile so he was referred to the Juvenile Justice Board

where he was examined by a Medical Board. The Medical Board declared the petitioner between 17 to 18 years on 16.11.2012 i.e. on the alleged date of occurrence.

Being aggrieved by such an opinion, the prosecution filed an application on 13.12.2012 that the age of the petitioner be adjudicated finally only after procuring another report from next competent Medical Board. On such an application having been filed, the Juvenile Justice Board, Gopalganj, allowed the prayer of the informant and directed the petitioner to appear before P.M.C.H., Patna, for examination by a Medical Board consisting of persons of higher caliber and responsibility for assessment of his age.

Being aggrieved with this order, the petitioner filed Cr. J.J. Appeal No. 08 of 2013 but Adhoc Ist Additional Sessions Judge, Gopalganj, also turned down the prayer and affirmed the order of Juvenile Justice Board, Gopalganj.

Having considered the facts of the case and various decisions in this regard, I find no merit in this application, the same is rejected. The petitioner is directed to appear within three weeks of the date of receipt of this order in the court below whereafter he shall be referred to P.M.C.H., Patna.

It is also made clear that proper enquiry in terms of Rule

12 be conducted in the matter so as to ensure justice to both the parties.

U.K./-

(Anjana Prakash, J)

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