

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.416 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- SITAMARHI

1. Anwari Begum, W/O Md. Sabir, resident of village- Birar Aliman Tola, P.S.-
Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Mumtaz @ Chhote, S/O Md. Panchkauri Nadaf, resident of village- Birar
Aliman Tola, P.S.- Nanpur, District- Sitamarhi.

.... Respondent/s

With

Criminal Revision No. 1067 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- SITAMARHI

1. Anwari Begum, W/O Md. Shabir, resident of village- Birar, Aliman Tola, P.S.-
Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Md. Athar Parvej, S/O Md. Raja, resident of village- Madhopur, Chaturi, P.S.-
Basopatti, District- Sitamarhi.

.... Respondent/s

**Appearance :
(In both cases)**

For the Petitioner/s : Mr. Md. Anisul Haque, Advocate
Md. Md. Shahid Siddique, Advocate
For the Respondent/s : Mr. Panchanand Pandit, APP
Mr. C. Jawahar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

The Petitioner in Cr. Revision No. 416 of 2012 seeks
quashing of order dated 02.12.2010 passed in Nanpur P.S. Case
No.68 of 2010 by which the Sub-Divisional Judicial Magistrate,
Pupri, has declared the Opposite Party No.2 as a juvenile and the
same was affirmed by the Additional Sessions Judge-cum-Fast Track
Court No.2, Sitamarhi, in Cr. Appeal No.112 of 2010.

The Petitioner in Cr. Revision No.1067 of 2013 seeks

quashing of the order dated 05.06.2013 passed in Cr. Appeal No.23 of 2013 by the *Ad hoc* Additional Sessions Judge, II, Sitamarhi, by which he has upheld the order dated 12.04.2014 passed in Trial No.731 of 2013 by the Juvenile Justice Board, Sitamarhi.

It appears that the private Opposite Parties had taken a plea of juvenility before the Court below and thereafter produced certificates in its regard. Witnesses were thereafter examined on the same. Not being satisfied with the quality of material and the documents brought on record with regard to proof of age, the same were rejected. However, a medical report was also called which affirmed the prayer of the Opposite Parties. The Petitioner then filed Criminal Appeals before the Court concerned which also considered the medical report and dismissed the plea of the Petitioner.

It has been submitted on behalf of the Petitioner that he is supported by the decision of the Supreme Court reported in 2013 (1) PLJR (SC) 156 [Ashwani Kumar Saxena Vs. State of MP], but I am unable to understand how the decision supports the Petitioner.

Hence, the applications are dismissed.

(Anjana Prakash, J)

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