

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.323 of 2014

Arising Out of PS.Case No. -707 Year- 1993 Thana -null District- VAISHALI(HAJIPUR)

1. Sanjay Kumar Singh Son of Late Radha Kant Singh Resident of Village - Kurba Chandpura, P.S- Desari, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh Son of Chandradeep Narayan Singh Resident of Village - Kurba Chandpura, P.S.- Desari, District – Vaishali
3. The Secretary, Bihar School Examination Board, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Respondent/s : Mr. Subhash Chandra Mishra, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

The Petitioner seeks quashing of the order dated 21.1.2014, by which the Adhoc Additional District & Sessions Judge 2nd, Vaishali at Hajipur in Criminal Appeal No.15 of 2013 has affirmed the order dated 25.3.2011 passed by the Juvenile Justice Board, Vaishali at Hajipur in G.R. No.707 of 1993 (Sessions Trial No.424 of 2013), by which he has declared the Opposite Party No.2 as Juvenile.

It has been submitted that at the fag end of trial the Opposite Party No.2 pleaded juvenility and on the basis of the matriculation certificate which was contested by the Petitioner an order was passed declaring him a juvenile.

The submission of the Petitioner is that he was not given a fair opportunity to be heard and in the light of a controversy with regard to authenticity of the matriculation certificate when the certificate of the School first attended by the Opposite Party No.2 shows a different date of birth a medical enquiry should have been held.

Considering the fair nature of arguments, the application is disposed of with a direction to the Juvenile Justice Board, Vaishali at Hajipur to hold proper enquiry in terms of the rules within a period of three months from the date of receipt of this order. He may also call for a medical assessment if he feels that there is disparity in the documents produced on behalf of the parties.

(Anjana Prakash, J)

Narendra/-

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