

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 579 of 2011

Arising out of P.S. Case No. -0 Year- null Thana -null
District- SASARAM (ROHTAS)

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Ajay Kumar Singh S/o Shri Nathuni Singh Resident of Village
Nauwan, Police Station Dinara, District Rohtas through His Father
Ad Litem.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Navin Kumar Pandey, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-04-2015

The Petitioner seeks revision of the order dated 28.04.2011 passed by the Additional Sessions Judge-VI, Rohtas at Sasaram in Juvenile Appeal No. 01 of 2009 by which he has set aside the order dated 15.11.2006 passed by the Juvenile Justice Board, Rohtas at Sasaram by which he had declared the Petitioner a juvenile and remitted the matter.

The background facts of the case is that the occurrence took place in September, 1999 and the Petitioner was arrested in November, 1999. On 16.12.1999 the Petitioner took a plea of being a juvenile but he was adjudged about eighteen years of age and, therefore, not declared a juvenile. Subsequently, at the stage of charge the Petitioner once again raised the plea of juvenility upon which an inquiry was held. On



09.03.2005 vide Annexure-5 the Petitioner was declared major by the ACJM, Rohtas on the basis of the statement of the parents and the Medical Report. This order was challenged in appeal who remanded the matter to the Court below for afresh adjudication on 18.04.2006. After remand a Medical Board was constituted by the Juvenile Justice Board and on the basis of Medical Report the Petitioner was declared a juvenile. The Informant then filed a Juvenile Appeal before the Additional Sessions Judge-VI, at Muzaffarpur vide Juvenile Appeal No. 01 of 2009 which set aside the order and remitted the matter to the Court below.

It has been submitted on behalf of the Petitioner that evidently the Appellate Court has passed an order in violation of established principles of law. All documents are in favour of the Petitioner and, therefore, the Appellate Court should not have relied upon the speculative evidence of the parents and set aside the order of juvenility.

On the other hand, Counsel for the Complainant submits that it is for the first time at the stage of charge that the Petitioner had raised the plea once again with regard to his juvenility and, hence, it being belated should not be trusted. Moreover, the documents in support of age of the Petitioner are not authentic and, hence, the prayer be not allowed.



On going through the records of the case, the admitted position is that on 06.12.1999 the Petitioner had raised a plea of juvenility and had been declared about 18 years of age. No doubt, at that point in time law was that juvenile was a person below sixteen years of age. It was only subsequently that the age was increased to eighteen years and that under such circumstances now benefit can be given even with retrospective effect. I also find from the records of the case that the Petitioner had been sent in custody to take his matriculation examination whereafter a certificate was given in October, 2000 supporting the Petitioner's age as 10.02.1986. The Lower Court Records of the connected Criminal Appeal was called which reveals that the documents with regard to age of the Petitioner being 10.02.1986 are consistent.

In view of such, I would be inclined to set aside the order dated 28.04.2011 passed by the Additional Sessions Judge-VI, Rohtas at Sasaram in Juvenile Appeal No. 01 of 2009 by which he has set aside the order dated 15.11.2006 passed by the Juvenile Justice Board, Rohtas at Sasaram.

The Application stands allowed.

(Anjana Prakash, J.)

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