

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 884 of 2013

Arising out of P.S. Case No. -75 Year- 2010 Thana –Chapra
Muffasil District- SARAN

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Santosh Kumar Singh S/o Gajendra Singh R/o Bari Murahari, P.S.-
Chapra, Mufassil, Distt.-Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.

For the Respondent/s : Mr. Mithilesh Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-04-2015

The Petitioner who is Informant seeks revision of the order dated 19.03.2013 by which the 1st Additional Sessions Judge, Saran at Chapra in Cr. Appeal No. 58 of 2012 by which it has set aside the order dated 19.03.2012 passed by the Juvenile Court in J.T. Enquiry Case No. 172 of 2012 corresponding to Chapra Musffasil P.S. Case No. 75 of 2010 by which it had refused to declare the Petitioner a juvenile.

The background facts of the case is that the Opposite Party No. 2 had pleaded being a juvenile before the Board upon which an inquiry was done. When documents were produced the genuineness of the same were doubted. For this reason a Medical Board was constituted which opined that the Opposite Party No. 2 was a major on the date of occurrence and thus it

declared the Opposite Party No. 2 a major. As against this he filed an appeal before the Sessions Judge who passed the impugned order.

It is submitted that by passing the said order the 1st Additional Sessions Judge fell in error in holding that even though the two documents produced on behalf of the Opposite Party No. 2 were inconsistent but the certificates should have been relied upon by the Board and it should not have got held medical examination.

I am unable to agree with the contention of the Appellate Court since it is not in accordance with Rule 12 of Juvenile Justice Rules.

Hence, the order dated 19.03.2013 by which the 1st Additional Sessions Judge, Saran at Chapra in Cr. Appeal No. 58 of 2012 by which it has set aside the order dated 19.03.2012 passed by the Juvenile Court in J.T. Enquiry Case No. 172 of 2012 corresponding to Chapra Musffasil P.S. Case No. 75 of 2010 is, hereby, set aside.

The Application stands allowed.

The Court below is directed to proceed expeditiously in accordance with law so that there is no further in trial.

(Anjana Prakash, J.)

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