

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Revision No.363 of 2013**

Arising Out of PS.Case No. -847 Year- 2012 Thana -null District- SITAMARHI

1. Dharmendra Baitha S/O Bishwanath Baitha R/O Village - Pachnaur Tole  
Ganeshpur, P.S. - Belsand, District - Sitamarhi

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Ramesh Kumar Mandal S/o Ram Kishore Mandal, R/o village Sirahi tole  
Bhakuraha, P.S. Riga, Distt. Sitamarhi

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Respondent/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 06-10-2015**

The Petitioner seeks revision of the judgment dated 14.2.2013, by which Adhoc A.D.J. No.2, Sitamahri in Criminal Appeal No.01 of 2013 has affirmed the order dated 15.12.2012 passed by the Juvenile Justice Board, Sitamarhi in Trial No.847 of 2012, by which he has rejected the claim of the Petitioner to be a juvenile.

On going through the judgment of the Revisional Court and the order of the Juvenile Justice Board, I find that both the Courts fell in error for demanding an enquiry into the affidavit given by the father of the Petitioner at the time of his admission in the School since no such procedure exists. Once the Headmaster of the School deposed with regard to entries in the register about the age of the Petitioner, of

which there was no dispute, he should not have thereafter held a medical examination which itself is not conclusive.

Hence, the application is allowed and the judgment dated 14.2.2013 passed by the Adhoc A.D.J. No.2, Sitamahri in Criminal Appeal No.01 of 2013 as also the order dated 15.12.2012 passed by the Juvenile Justice Board, Sitamarhi in Trial No.847 of 2012 are hereby set aside.

The concerned Trial Court is directed to bifurcate the case of the Petitioner and send his records to the Juvenile Justice Board, Sitamarhi immediately.

**(Anjana Prakash, J)**

Narendra/-

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