

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.313 of 2016

=====

1. Satyendra Singh Son of Shiv Murat Singh, resident of Mohalla- Bhabua Ward No.20, P.S.- Bhabua, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar
2. Sonu Patel @ Sonu Singh Son of Nagina Singh, Resident of Mohalla- Bhabua Ward No.23, P.S.- Bhabua, District- Kaimur (Bhabua).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Respondent/s : Mr. Md. Fahimudding (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 24-11-2016 Heard the parties.

The petitioner is informant of Bhabua P.S. Case No. 300 of 2013, registered for the offences punishable under Section 302 read with Section 120B and Section 34 of the Indian Penal Code and Section 27 of the Arms Act. He is aggrieved by an order passed by the Juvenile Justice Board, Kaimur (Bhabua), whereby the opposite party no. 2 has been declared to be a juvenile as on the date of occurrence i.e. 11.06.2013. His appeal preferred under Section 52 of the Juvenile Justice (Care and Protection of Child) Act, (hereinafter referred to as the 'Act') has been dismissed by an order, dated 09.12.2015, passed by learned Sessions Judge, Kaimur (Bhabua), whereby he has affirmed the order of the

Juvenile Justice Board, declaring opposite party no. 2 as a juvenile.

This Criminal Revision application has been filed under Section 53 of the Act, being aggrieved by the aforesaid two orders, passed by the Juvenile Justice Board and learned Sessions Judge, Kaimur (Bhabua).

Learned counsel for the petitioner has submitted that the petitioner was not given any opportunity before determination of age of opposite party no. 2 before he was declared as a juvenile. According to him, there is ample material to demonstrate that opposite party no. 2 is not a juvenile rather he was father of a new born child as on the date of occurrence.

I have perused the above two orders from which, I find that declaration of opposite party no. 2 as a 'child in conflict with law' is based on date of birth as entered in the certificate issued from the school first attended i.e. Middle School, Ramgarh, Bhagwanpur. To ascertain the correctness of the said certificate, the Principal of the concerned Middle School was examined. Further, it seems that a Medical Board was also constituted to determine the age of opposite party no. 2 and on that basis too, he was found to be a juvenile as on the date of occurrence, by the Juvenile Justice Board, Bhabua. Learned Sessions Judge, Kaimur

(Bhabua), under such circumstances, has refused to interfere with the decision of Juvenile Justice Board, Bhabua.

I do not find any legal infirmity requiring interference with the decision of the Courts below for the reason that the findings recorded, are based on the evidence as contemplated under Rule 12(3)(a) of Bihar Juvenile Justice (Care and Protection of Children) Rules, 2012.

I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

sunil/-c

U		T	
---	--	---	--