

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.235 of 2016

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Basant Chaudhary, Son of Late Dular Chaudhary, Resident of Village-
Telwar, P.S. Harnaut, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shishupal Chaudhary @ Shishupal Kumar @ Ambedkar Chaudhary @
Ambed Kumar, Son of Arjun Chaudhary, Resident of Village- Baruntar,
P.S. Harnaut, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-11-2016 This criminal revision application has been filed under Section 53 of the Juvenile Justice (Care and Protection) Act, 2015 (hereinafter referred to as the J.J. Act) by the petitioner who is aggrieved by an order dated 26.11.2015 passed by learned Sessions Judge, Nalanda at Biharsharif in Criminal Appeal (Juvenile) No. 28 of 2015 whereby he has dismissed the appeal preferred by the petitioner, who is informant of Harnaut P.S. Case No. 168 of 2013, against an order passed by the Juvenile Justice Board, Nalanda at Biharsharif whereby the opposite party No. 2 has been declared to be a child in conflict with law, within the meaning of Section 2(k) of the J.J. Act.

I have perused the order dated 18.11.2013 passed by



the Juvenile Justice Board from which it transpires that based on the entry of date of birth in the matriculation certificate issued by the Bihar School Examination Board in favour of the opposite party No. 2, the opposite party No. 2 has been declared to be a juvenile as on the date of occurrence i.e. 15.08.2013. Date of birth of opposite party No. 2 as mentioned in the said matriculation certificate is 15.03.1996. The petitioner questioned the decision of the Juvenile Justice Board by filing an appeal which gave rise to Criminal Appeal (Juvenile) No. 28 of 2015 on the ground that at the stage of age determination, petitioner being the informant, was not noticed. The petitioner questioned the genuineness of the matriculation certificate on the ground that date of birth of one Ambed Kumar having same parentage is 05.03.1988, on the basis of information received from Bihar School Examination Board, Patna. It was accordingly his case before the appellate court that opposite party No. 2 procured an order, declaring him juvenile, on the basis of sham document/matriculation certificate.

It is apparent that the name of the person whose date of birth is being described as 15.03.1988 is Ambed Kumar. The name of the opposite party No. 2 is Shishupal Chaudhary. Ambed Kumar has been described in the present criminal revision application to be alias name of opposite party No. 2. There is

nothing to show and establish that opposite party No. 2 and said Ambed Kumar is one and the same person. In the petition seeking revision and in the memo of appeal, it appears, that the petitioner has described opposite party No. 2 as Shishupal Chaudhary alias Ambed Kumar.

The two matriculation certificates having not been brought on record by the petitioner, the petitioner has not been able to convince this Court that the matriculation certificate relied on by the petitioner was a sham certificate, fraudulently obtained by him.

Accordingly, I do not find any merit in this criminal revision application. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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