

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.625 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

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Dhirendra Yadav, son of Late Sagar Yadav, resident of village Pawra, Police Station Cheriya Bariyarpur, district Begusarai Petitioner

Versus

1. The State of Bihar
 2. Wakil Mahto, son of Sita Ram Mahto, resident of village Pawra, Police Station Cheriya Bariyarpur, District Begusarai
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad

For the Respondent/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 15-12-2016

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

2. The Opposite Party No. 2 is an accused in Cheriya Bariyarpur Police Station Case No. 148 of 2013. He has been declared to be a juvenile by the Juvenile Justice Board, Begusarai, by an order, dated 25.11.2013, on the basis of the date of birth entered in the matriculation certificate, according to which, his date of birth is 10.02.1996. The date of occurrence being 01.08.2013, he has been assessed to be below 18 years of age, as on the date of occurrence, by the Juvenile Justice Board, Begusarai.

3. The petitioner, who is the informant of the said Cheriya Bariyarpur Police Station Case No. 148 of 2013, preferred an appeal, under Section 52 of the Juvenile Justice



(Care and Protection of Children) Act, 2000, giving rise to Criminal Appeal No. 791 of 2013, which came to be disposed of by the judgment and order, dated 05.05.2014, passed by the learned Additional Sessions Judge I, Begusarai. By the said judgment and order, the petitioner's appeal has been rejected.

4. The petitioner has questioned both the orders in the present criminal revision application.

6. I find from the two orders that the decision to declare the Opposite Party No. 2 a juvenile is based on the matriculation certificate submitted by the Opposite Party No. 2. I also notice that in course of enquiry, no one questioned the genuineness of the said matriculation certificate.

7. In such circumstance, I am of the view that the orders under challenge cannot be assailed as the decision is based on the matriculation certificate, which is one of the factors which is to be taken into consideration for considering the juvenility of a person under Rule 11 of the Bihar Juvenile Justice (Care and Protection of Children) Rules, 2012.

8. This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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