

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.183 of 2016

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1. Anil Kumar @ Sandesh Singh Minor son of late Subhag Singh under guardianship of Jang Bahadur Singh resident of village - Kaser, P.S. - Bhagwanpur, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sheo Kumari Devi wife of Badan Singh, daughter of Shri Kedar Singh resident of village - Konar Khurd, P.S. - Chenari, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh

For the Respondent/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 24-11-2016 Heard the parties.

The present Criminal Revision Application has been filed under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 against the judgment and order, dated 28.09.2015, passed by the learned Sessions Judge, Rohtas, in Criminal appeal No. 47/2015, whereby he has set aside an order, dated 16.06.2015, passed by the Juvenile Justice Board, in case No. 92 of 2015, arising out of Chenari P.S. Case No. 43 of 2010, declaring the petitioner to be a juvenile.

Undisputedly, the petitioner was declared to be a juvenile by the Juvenile Justice Board, on the basis of entry made in the admission register.

Learned Sessions Judge, Rohtas, by the impugned order, set aside the order of the Juvenile Justice Board on the ground that the admission register is not one of the documents referred to under Rule 12(3)(a) of the Bihar Juvenile Justice (Care and Protection of Children) Rules, 2012.

I do not find any illegality in the impugned order passed by the learned Sessions Judge, Rohtas to the extent that the decision of the Board, declaring the petitioner as a juvenile has been set aside on the basis that the document relied on by the Juvenile Justice Board, could not be the basis for determination of petitioner's juvenility.

Learned counsel for the petitioner has, however, rightly submitted that once the petitioner claimed to be a juvenile and no certificate as referred to under Rule 12(3)(a), had been made available in support of his juvenility, the same ought to have been decided by referring his claim to a Medical Board.

He appears to be right in his submission.

Accordingly, impugned order, dated 28.09.2015, is modified by directing the Juvenile Justice Board, Rohtas to get a Medical Board constituted for the purpose of determination of the petitioner's age and to decide his claim of juvenility accordingly. Such an exercise for the purpose of determination of the

petitioner’s juvenility must be completed within a period of one month from the date of communication of the present order.

(Chakradhari Sharan Singh, J)

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