

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 294 of 2016

- Arvind Kumar Yadav S/o Shri Ramprasad Yadav, Aged About 18 Years R/o Gobar Daha, Police Out Post- Balangi, Police Station- Raghunathnagar, Distt. Balrampur (Chhattisgarh)

---- **Petitioner**

Versus

- State Of Chhattisgarh Through- Police Out Post- Balangi, Police Station Raghunathnagar, Distt. Balrampur, (Chhattisgarh)

---- **Respondent**

For petitioner : Mr. R.R. Soni, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-11-2016

1. The instant petition is directed against the order dated 4-10-2016 (Annexure P/1) passed by Special Judge (Atrocities) Ambikapur, Sarguja (CG) in Special Session Case No 71 of 2016 whereby the petition filed by the petitioner for determination of his age to be verified, has been rejected. The Court below after considering all the aspects of the matter came to conclusion that on the date of incident the petitioner has become major.
2. Perused the impugned order dated 4-10-2016 passed by the court below.
3. First information report was lodged on 2-7-2016. Annexure P/3 much speaks that before six months of the incident, the petitioner had committed the offence with the prosecutrix on the pretext of marriage and committed sexual intercourse with her. As per first information report, on 26-6-2016 the petitioner enticed away the

minor girl and thereafter again committed the offence. From the date of first information report which is dated 2-7-2016 if, according to it, as the offence is stated to be done for last six months if one travels back to six months, it comes to 2-1-2016. On that date the petitioner appears to be age of 17 years and 7 months approximately. However, the first information report reads that he continued the offence and on 26-6-2016 the petitioner enticed away the minor girl on the pretext of marriage and had committed sexual intercourse with her. The petitioner claims his date of birth to be 26-5-1998, therefore, even if the date of birth, according to the petitioner, is taken as it is, his age appears to be 18 years and 1 month and thereby the petitioner has become major. Apart from it, first information report shows that before 2-7-2016 the applicant was continuing the offence for the last six months.

4. In view of the above, I am of the considered opinion that the finding recorded by the trial Court vide order dated 4-10-2016 holding that accused to be 18 years of age does not appear to be perverse or illegal, warranting interference by this Court.
5. Accordingly, the instant petition being devoid of merit is liable to be and is hereby dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge

Raju