

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3868 of 2016

ORDER:

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The petitioner, who is A8, filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.4 of 2016 of Y.Ramavaram Police Station, East Godavari District, registered for an offence punishable under Sections 8(C) read with Section 20(b) (ii) of NDPS Act.

The main ground urged by the learned counsel for the petitioner is that the petitioner is juvenile and as such he has to be treated in the manner provided under Juvenile Justice Act, 2000.

On the other hand, learned public prosecutor opposed the application stating that as per the FIR, the petitioner is aged about 19 years.

Learned counsel for the petitioner placed before the Court Secondary School Certificate issued by the Board of Secondary Education, wherein, the date of birth of the petitioner was shown as 02.03.1999.

Section 12 of the Juvenile Justice Act reads as under:

12. Bail of juvenile - (1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be

specified in the order.

From the above, it is clear that if the petitioner is a juvenile, he has to be produced before the Juvenile Justice Board, in which event the same shall be dealt with in accordance with the provisions of the Act.

Since there is dispute with regard to age and as date of birth mentioned in X Class certificate show that the petitioner is less than 18 years of age, he shall move an application before the concerned Board, in which event the same shall be dealt with in accordance with law, if the petitioner is found to be less than 18 years of age.

Accordingly, the criminal petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.03.2016
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