

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.585 of 2016

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1. Nayeem Alwi @ Naim Alvi Son of Baban Ali Sah Resident of H.NO. 191, Village & Po Devchara, PS Bhamora, tahsil,Aonla, District Bareilly Uttar Pradesh.

.... Petitioner/s

Versus

1. Government of India Through office of The Assistant Director, Directorate of Revenue Intelligence, Regional Unit, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 09-01-2017

Heard learned counsel for the parties.

2. An order passed by the learned Additional Sessions Judge-VI, Patna in Special Case No. 82 of 2014 is under challenge, whereby the petitioner's plea of being a juvenile as on the date of the occurrence, viz, on 11.12.2014 has been rejected. The petitioner is an accused in Special case No. 82 of 2014 registered for the offences punishable under Sections 21/29 of the NDPS Act, 1985.

3. In order to sustain his claim of juvenility, the petitioner relied on School Transfer Certificate and some other documents, which apparently do not fall under Rule 12 of the Juvenile Justice (Care & Protection of Children) Rules, 2015. So



far as the decision of the Courts below not to accept the documents for the purpose of considering the claim of the petitioner of juvenility, I do not find any infirmity. However, the Court below ought to have referred the petitioner for medical examination for the purpose of determination of his age as on the date of occurrence in terms of the J.J. Rules framed under the Act.

4. I find substance in the submission made on behalf of the petitioner to his limited extent. The order passed by the learned Additional Sessions Judge, VI, Patna dated 27.02.2016 in Special Case No. 82 of 2014 is set aside.

5. The matter is remitted back to the Court of learned Additional Sessions Judge, VI, Patna for consideration of the petitioner's case afresh by referring it to the Medical Board.

6. This application stands allowed to the extent as above.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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