

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.95 of 2015

Arising Out of PS.Case No. -106 Year- 2009 Thana -CHAPRA MUFFASIL District- SARAN

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1. Manoj Ram Son of Sri Khedan Ram, Resident of Village- Hasanpurwa,
P.S.- Chapra (Muffassil), District- Saran at Chapra (Bihar)

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar

For the Respondent/s : Smt. Abha Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

5 11-09-2017 Heard learned counsel for the appellant as well as
learned Additional P.P.

At an earlier occasion, during course of hearing of instant appeal, it has been found that the status of the appellant at the time of commission of occurrence, so alleged, en steep to be juvenile in conflict of law. However, on account of non-raising of aforesaid issue before the trial court, no material was available on the record and on account thereof, vide order dated 28.03.2017, apart from identifying the prayer of the appellant to be entertainable in terms of Section 7A of the Juvenile Justice Act, the learned lower court was directed to conduct an enquiry for ascertainment of status of the appellant and place the same. That report has been placed vide letter no. 158 dated 29.08.2017,



wherefrom, it is evident that appellant was less than 18 years at the time of commission of the occurrence, i.e. on 25/26.07.2009.

Accordingly, the report submitted by the learned lower court is accepted by way of identifying the appellant to be juvenile. That being so, the appellant could not be sentenced in terms of Section 21 of the Juvenile Justice Act.

Accordingly, confirming the judgment of conviction, the matter is remitted back to the Juvenile Justice Board to pass appropriate order on that very scope as prescribed under the J.J. Act.

Instant appeal is disposed of under the aforesaid observation.

(Aditya Kumar Trivedi, J.)

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