

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.677 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- GOPALGANJ

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1. Prince Kumar Rai @ Prince Rai(Juvenile) Under the Guardianship of his father namely Subhash Rai Resident of Village- Ahirauli Dubauli, Police Station- Gopalpur, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baxi S. R. P. Sinha, Sr. Advocate
Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 09-01-2017

Heard learned Senior Counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor representing the State.

2. The petitioner's claim for juvenility has been rejected by the Juvenile Justice Board, Gopalganj, vide order, dated 05.01.2015, as well as in appeal, by an order, dated 05.10.2015, passed by the learned Additional Sessions Judge V, Gopalganj, in J. J. Criminal Appeal No. 08 of 2015.

3. The petitioner based his claim on a transfer certificate issued by the Upgraded Middle School, Ahirauli Dubauli Kochaikot, in the district of Gopalganj, in which the



date of birth is said to have been mentioned as 07.01.1998.

4. On the basis that a transfer certificate is not one of the documents referred to under the Juvenile Justice (Care and Protection of Children) Rules, 2007, for the purpose of determination of age of a person and no other document was available, the Juvenile Justice Board, Gopalganj, had referred the matter to the Medical Board. On the basis of report submitted by the Medical Board, the petitioner's claim that he was a juvenile as on the date of occurrence came to be rejected as he was found to be above 18 years of age as on the date of occurrence.

5. Learned Senior Counsel, appearing on behalf of the petitioner, has submitted that only in the absence of a certificate, the Juvenile Justice Board could have adopted the method of seeking opinion of the Medical Board and since the transfer certificate was available, the petitioner's age ought to have been determined on the basis of the entry made in the said certificate.

6. I do not find any substance in the said submission for two reasons. Firstly, the transfer certificate is not a certificate, as contemplated under Section 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, which could be the basis for determination of age. Secondly, the said certificate does not mention the date of



admission of the petitioner. The genuineness of the said certificate, therefore, appears to be doubtful.

7. Considering the above, I do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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