

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.201 of 2017

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1. Zewa Khatoon, d/o Md. Gaffar, resident of Village- Bharko, Police Station- Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Monajir, S/o Md. Taslim, R/o Village- Bharko, P.S.- Amarpur, District- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Respondent/s : Mr. Md. Mustaque Alam

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

3 16-03-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner is aggrieved by an order, dated 05.12.2016, passed by learned Additional Sessions Judge I, Banka, in Criminal Appeal No. 21 of 2016, whereby he has affirmed an order, dated 17.05.2016, passed by the Juvenile Justice Board, Banka, declaring Opposite Party No. 2 as a juvenile.

The petitioner is the complainant of Complaint Case No. 585 of 2012, in which date of occurrence has been described as between 15.02.2011 and 23.04.2012. The allegation against the petitioner is of having



established physical relationship under false assurance of marriage.

On the basis of entry of date of birth in the matriculation certificate, the Opposite Party No. 2 has been declared to be a juvenile. On certain dispute having been raised, a Medical Board was constituted for opinion by the Juvenile Justice Board, Banka. The Medical Board found the age of the Opposite Party No. 2 to be 20-22 years as on 30.11.2015. On the basis of the report of the Medical Board, the Juvenile Justice Board, Banka, found the age of the Opposite Party No. 2 to be 16 years 6 months by giving him benefit of 6 (six) months on the lower side of his age.

Learned Counsel appearing on behalf of the petitioner has submitted that the determination of age based on medical report is erroneous. According to him, the medical examination was done nearly two years after the date of occurrence and if mid-point of 20-22 years was taken to be the likely age of the Opposite Party No. 2, as per the Medical Board, he would have been declared to be a major. The said submission is not convincing.

The computation done by the Juvenile Justice Board, Banka, does not suffer from any error. The date of occurrence, as mentioned in the complaint petition, is



between 05.02.2011 and 23.04.2012. As on 05.02.2011, as per age determination done by the Medical Board, he was required to be declared a minor. As per the entry of date of birth in the matriculation certificate also, he is a minor as on the date of occurrence.

The impugned orders do not suffer from any infirmity, requiring interference by this Court.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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