

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.747 of 2016

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Jitendra Kumar, son of Kameshwar Singh, resident of
Village Bhimpur Khapura, P.S & District Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tapeshwari Devi, wife of Late Umesh Chandra Singh,
resident of Village Khair Bigha, P.S. & District Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Adv.

For the Respondent/s : Mr. Anand Mohan Pd. Mehta, APP

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

ORAL ORDER

3 10-01-2017 Heard the parties.

This is not in dispute that the petitioner holds matriculation certificate in which his date of birth has been entered as 01.04.1987. He is an accused in Arwal P.S. Case No. 8 of 2007, registered for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. The date of occurrence of the said case is 09.02.2007.

The petitioner's claim for juvenility has been rejected on the basis of said entry of date of birth in his matriculation certificate.



Learned counsel for the petitioner has attempted to persuade me, while assailing the impugned orders, that there is a clerical mistake in the said certificate, recording the petitioner's date of birth as 01.04.1987, and according to him, it should have been 01.04.1989. It has been submitted that the petitioner's date of birth has been mentioned at several places in the school admission register as 01.04.1989.

The extant Rules are clear on this point. If the date of birth, as entered in the matriculation certificate, clearly shows that the petitioner was not a juvenile as on the date of occurrence, his claim of juvenility cannot be entertained.

This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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