

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1194 of 2016

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1. Shambhu Prasad Yadav Son of Jibachh Lal Yadav, resident of Village-
Mahiyarpur, P.S. Jalalgarh, District- Purnea. Under the guardianship of his
father Jibachh Lal Yadav Son of Late Nagadra Lal Yadav.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Respondent/s : Mr. Dilip Kumar

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

3 25-01-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

The petitioner is aggrieved by an order, dated
28.09.2016, passed by the learned Sessions Judge, Purnea,
in Criminal Appeal No. 35 of 2016 (CIS No. 37 of 2016),
whereby he has set aside an order, dated 28.03.2011,
passed by learned Juvenile Justice Board, Purnea, in
Supplementary S. T. No. 274 of 2009.

By the said order, dated 28.03.2011, the
Juvenile Justice Board, Purnea, had declared the petitioner
to be a juvenile on the basis of report of the Medical Board,
constituted for the said purpose.

Learned Counsel appearing on behalf of the



petitioner has submitted that reason assigned by the learned Sessions Judge, Purnea, while upsetting the order of the Juvenile Justice Board, Purnea, is not in conformity with the rules prescribing procedure for age determination of a person, who claims to be a juvenile. He has submitted that Juvenile Justice Board, Purnea had rightly directed for referring the petitioner's case to the Medical Board seeking opinion on the age of the petitioner since other documents, as mentioned in the Rules, were not available.

Learned Additional Public Prosecutor, on the other hand, has defended the impugned order passed by the learned Sessions Judge, Purnea.

The occurrence had taken place on 25.07.2008. The petitioner has been named in the First Information Report, which constitutes offences punishable under Section 302/34 of the Indian Penal Code.

I have perused both the orders. It transpires from the impugned order passed by the learned Sessions Judge, Purnea, that the petitioner had passed matriculation examination from Bihar School Examination Board, as student of N. B. Rungta High School, Jalalgarh, as regular student, wherein his date of birth had been entered as 02.04.1990. He had thus crossed the age of 18 years as on the date of occurrence and he could not have been declared



to be a juvenile.

This vital information, the petitioner had suppressed before the Juvenile Justice Board, Purnea.

I do not find any illegality in the impugned order passed by the learned Sessions Judge, Purnea. This application has no merit and it is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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