

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.227 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Bhunnas Khan @ Murtuza Khan Son of Kasim Khan Resident of Village - Parsa, Police Station - Gaunaha, District - West Champaran, represented through Kasim Khan father and natural guardian of the petitioner.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7

For the Respondent/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date : 17-01-2017

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

2. The petitioner was declared a juvenile by the Juvenile Justice Board, Bettiah, by order, dated 12.09.2012, passed in J.J.B. Case No. 266 of 2012, arising out of Gaunaha Police Station Case No. 10 of 2011, registered for the offences punishable under Section 376/34 of the Indian Penal Code.

3. It is the claim of the petitioner that Bhunnas is his alias name and his principal name is Murtaza. On the basis of evidence adduced before the Juvenile Justice Board, Bettiah, he had been rightly declared to be a juvenile.

4. By subsequent order, dated 16.1.2014, passed,



by the learned Additional Sessions Judge III, West Champaran, at Bettiah, in Criminal Appeal No. 272 of 2012, the said order, dated 12.09.2012, passed by the Juvenile Justice Board, Bettiah, has been set aside, there being dispute over the name of the petitioner Bhunnas as his alias name.

5. The order, dated 16.12.2014, passed by the learned Additional Sessions Judge III, West Champaran, at Bettiah, is under challenge in the present criminal revision application filed under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

6. Upon perusal of the impugned order, I find that there is dispute as to whether Murtaza is the principal name of the petitioner and Bhunnas is his alias name. The petitioner has been declared juvenile on the basis of entry of date of birth maintained by the School, which he is said to have first attended, treating his principal name to be Murtaza.

7. Considering the nature of dispute, I am of the considered view that it was a fit case where the Juvenile Justice Board, Bettiah, ought to have sought the opinion of the Medical Board with regard to the age of the petitioner as on the date of occurrence.

8. Accordingly, the order, dated 12.09.2012, passed by the Juvenile Justice Board, Bettiah, in J.J.B. Case No. 266 of 2012, and the order, dated 16.12.2014, passed by



the learned Additional Sessions Judge III, West Champaran, at Bettiah, in Criminal Appeal No. 272 of 2012, are set aside.

9. The Juvenile Justice Board, Bettiah, is directed to seek medical opinion to ascertain the age of the petitioner as on the date of occurrence.

10. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.01.2017
Transmission Date	18.01.2017

