

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1034 of 2016

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Madhulata @ Madhulata Devi, Wife of Late Pramod Upadhyay, R/o
Village-Mesaudha, P.S.-Piprahi, District-Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pawan Kumar Tiwari through his father Ram Narayan Tiwari,
R/o Village-Mesaudha, P.S.-Piprahi, District-Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the State : Mr. R.B. Roy 'Raman', APP

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

ORAL JUDGMENT & ORDER

Date: 06-07-2017

The son of opposite party No. 2, namely, Pawan Kumar Tiwari, has been declared to be juvenile by the Juvenile Justice Board, Sheohar (*hereinafter referred to as the "Board"*), by order, dated 10.06.2016, which has been affirmed by the learned District and Sessions Judge, Sheohar, by an order, dated 17.09.2016, passed in Cr. Appeal No. 09 of 2016.

2. The petitioner, who is the informant of concerned Piprahi P.S. Case No. 50 of 2015, registered for the



offence punishable under Sections 323, 341 and 302/34 of the Indian Penal Code, is aggrieved by the two orders aforementioned in the present criminal revision application preferred under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

3. This is not in dispute that declaration of son of opposite party No. 2 as a juvenile is based on entry of date of birth made in the matriculation certificate. His date of birth, as mentioned in the matriculation certificate, is 05.12.1997. On the date of occurrence, being 14.06.2015, he has been found by the Board and the court below to be below 18 years of age.

4. Learned counsel for the petitioner has made two submissions, while assailing the orders impugned, whereby, the son of opposite party No. 2 has been declared to be a juvenile. He has firstly submitted that opposite party No. 2 had declared his son Pawan Kumar Tiwari, to be above 18 years, when electoral roll was being prepared. He has secondly submitted that the younger brother of opposite party No. 2 was major as on the date of occurrence.

5. Rules framed under Juvenile Justice (Care and Protection of Children) Act, 2000, lays down the procedure for determining the juvenility of a person. Entry of date of birth made in the matriculation certification is, according to the



Rules, is crucial for such determination and is almost conclusive unless serious dispute of fabrication or forgery of documents is raised.

6. I do not find any illegality or impropriety in the orders impugned, dated 10.06.2016 and 17.09.2016, which are under challenge in the present criminal revision application.

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

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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