

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.927 of 2016

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1. Ram Narayan Paswan son of Late Mahendra Paswan R/o-Village-Gaddopur, P/S-Paroo, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Sri Binod Kumar 3
For the Informant : Mr. Ranjan Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 17-01-2017

Heard learned counsel for the parties.

2. This order is being passed with the consent of the petitioner.

3. The petitioner claims to be a juvenile as on the date of the occurrence in Paroo P. S. Case No. 237 of 2000. The date of occurrence is 03.11.2000. According to the petitioner, his age as on the date of occurrence was 14 years. His claim of juvenility has been rejected by the impugned order dated 15.03.2016 passed by learned 13th Additional Sessions Judge, Muzaffarpur. The Court below has passed the order in compliance of an order of this Court dated 22.11.2011 in Cr. Revision No. 1731 of 2010 to hold an enquiry under the provisions of Act and to determine the age of the petitioner as on the date of the occurrence.



4. Learned counsel for the petitioner has submitted that the Court below did not follow the method prescribed for age determination enquiry as contemplated under the Rules framed under the Juvenile Justice Act. According to him, if the documents were not acceptable to the Court, the opinion of the Medical Board ought to have been taken.

5. Learned counsel for the petitioner has submitted that the petitioner is ready to face Medical Board and if it is found that he was not a juvenile as on the date of occurrence, he will pay a sum of Rs. 50,000/-(fifty thousand) as cost.

6. As is evident, the First Information Report was registered in 2000. It has been informed by the learned counsel for the informant that all the witnesses have been examined at the trial and the case is fixed for final hearing. According to him, this application has been filed only to avoid the trial and linger the disposal of the trial.

7. Learned counsel appearing on behalf of the petitioner appears to be right in his submission that the matter should have been referred to Medical Board for the purpose of determination of the age of the petitioner, which is requirement of the Rules also.

8. The order dated 15.03.2016 is, accordingly, set



aside. The matter is remitted back to the learned 13th Additional Sessions Judge, Muzaffarpur for the purpose of determination of age of the petitioner as on the date of occurrence by seeking Medical opinion. If on the basis of the report of the Medical Board, it is found that the petitioner was more than 18 years of age as on the date of occurrence, the Sessions Judge, Muzaffarpur is directed to impose a cost of Rs. 50,000/-(fifty thousand) on the petitioner to be deposited by him in the District Legal Service Authority, Muzaffarpur.

9. This application is allowed but with the observation and direction as above.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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