

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.556 of 2017

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1. Chaturi Singh son of Late Ram Lakhan Singh resident of village Pachama
P.S. Piro (Hasan Bazar O.P.) District - Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 07-07-2017

Heard learned counsel for the parties.

2. The petitioner is accused in Piro (Hasan Bazar)
P. S. Case No. 110 of 2013, registered for the offence
punishable under Sections 302, 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act. He has claimed
juvenility as on the date of the occurrence, i.e., 16.01.2013.
His application was dismissed on 05.08.2014 on the ground
that the document which he had produced in support of his
claim was found to be forged.

3. He again filed an application on 07.06.2016 for
declaring him to be a juvenile and for that purpose referring
him to the Medical Board, which application has been
rejected by the learned Sixth Additional Sessions Judge,
Bhojpur at Ara, by an order, dated 17.09.2016, which is
being assailed in the present criminal revision application.

4. Learned counsel appearing on behalf of the



petitioner has submitted that since the petitioner requested for referring his case to the Medical Board for age determination, the Court below ought not to have rejected the same.

5. I have perused the impugned order and I have considered the submissions advanced on behalf of the petitioner. I do not find any force in the submission advanced on behalf of the petitioner that since the petitioner had raised claim of his juvenility and filed application for referring his case to Medical Board for age determination, the Court was obliged to refer the case to Medical Board for the said purpose. Unless an accused makes out a prima facie case, based on certain documents or otherwise that he is a juvenile, his case cannot be referred to Medical Board for determination of age by the concerned Court. In the absence of any material, the Court should not refer such matter to Medical Board on mere askance by an accused for age determination. As has been noticed above, the petitioner's application for declaring him to be a juvenile had been earlier also rejected on the ground that the document on which he had placed reliance was forged. This time, there was no document in support of his claim.

I do not find any merit in this application. This application is, accordingly, rejected.

ArunKumar/-

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(Chakradhari Sharan Singh, J)

