

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.648 of 2016

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1. Abhimanu Rai @ Abhimanyu Rai, S/o Misri Rai

2. Ranjit Rai, S/o Shankar Rai

Resident of village - Chhatwakala, P.S. Baniyapur, Distt.
Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Rajani Kumari, Adv.

For the Informant : Mr. Rajni Kant Jha, Adv.

For the State : Mr. Kr. Ranjit Ranjan, App

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

ORAL ORDER

3 09-01-2017 Heard the parties.

On the basis of opinion, sought from the Medical Board, the petitioners were declared juvenile by the Juvenile Justice Board, Chapra, Saran, *vide* an order, dated 11.10.2012, passed in J.E. No. 88 of 2012, arising out of Baniyapur P.S. Case No. 104 of 2007, registered for the offences punishable under Sections 147, 148, 149, 302, 307, 341, 323, 337 and 504 of the Indian Penal Code. On an appeal, preferred against the said order, dated 11.10.2012,



learned 9th Addl. Sessions Judge, Chapra, Saran, has allowed the appeal and while setting-aside the said order of Juvenile Justice Board, remitted the matter back for consideration of the claim of juvenility of these petitioners afresh in accordance with the provisions contained in Rule 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000, by an order, dated 09.03.2016, passed in Cr. Appeal No. 133 of 2012. The said order, dated 09.03.2016, is being assailed in the present criminal revision application.

Learned counsel for the petitioners has submitted that since the opinion of the Medical Board was there, showing that the petitioners were juveniles as on the date of occurrence, there was no occasion for the appellate Court for up-setting the said findings.

Learned counsel appearing on behalf of the informant, on the other hand, has submitted that there is no illegality in the order passed by the appellate Court as, according to him, before reaching the stage of seeking enquiry from the Medical Board, the Juvenile Justice Board ought to have come to specific conclusion and finding that the documents, as mentioned under the Rules relevant for determination of juvenility of a person/persons, were not available.

I do not find any infirmity in the order impugned.



Learned counsel appearing on behalf of the informant appears to be right in his submission that before reaching the stage of referring the matter to the Medical Board for determination of age, there must have been a finding that the documents, as prescribed under the Rule, describing procedure for determination of juvenility, were absent.

This application has no merit and in, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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