

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32872 of 2013

Arising Out of PS.Case No. -135 Year- 2013 Thana -JAMUI District- JAMUI

=====

Raunak Praveen, w/o Md. Nabi Alam @ Chhotu Rauki, r/m+P.S.
Medanichowki, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Ram Balak Mahto

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

11 03-04-2017 Heard both sides.

The petitioner has filed this petition for quashing the order dated 06.07.2013, by which the petitioner was remanded to Remand Home, Gaighat. The petitioner further prayed for quashing of FIR and the entire proceedings of Jamui P.S. Case No. 135/2013.

Irshad Khan, father of the victim (Petitioner) filed Jamui P.S. Case No. 135/2013 alleging that his daughter Raunak Praveen is minor and she has been kidnapped by Chhotu Rocky. During course of investigation of the case, the victim appeared and made her statement under Section 164 of the Cr.P.C. She disclosed her age to be 19 years and the court also assessed the age of the victim 18 years.

Learned counsel for the petitioner submits that by the



order of this Court the victim has also been released from the Remand Home, but the case is still pending. Learned counsel for the petitioner further submits that on the basis of the medical report the doctor has assessed the age of the victim to be 18-19 years old. Learned counsel has placed reliance on the judgment of this Court passed in Cr.W.J.C. No. 991/2010 in support of his contention and submitted that in view of the judgment of the Apex Court in Jaimala Vs. Home Secretary, Govt. of Jammu and Kashmir reported in AIR 1982 SC 1297, two years margin can be given to the victim, but I do not find any force to the submission of the learned counsel for the petitioner, particularly, in view of the fact that the date of birth of the victim was recorded in the school register many years ago from the date of occurrence. The father of the victim filed the certificate issued by the Bihar School Examination Board showing that date of birth of the victim was 10.03.1997. Once the certificate with regard to date of birth is available on record and it shows that the victim was minor on the date of occurrence. The documentary evidence shall prevail over the opinion of the doctor with regard to the age of the victim on the basis of Ossification Test. The Medical Board generally makes assessment of the victim on the basis of Ossification Test. The Ossification Test cannot give the exact age as there is



always margin of errors.

Considering the facts aforesaid and the fact that the certificate of date of birth of the victim is available on record, I find that admittedly on the date of occurrence i.e. 22.06.2013, the victim was minor and therefore, I do not find any merit in this quashing petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J.)

Rakhi

U			
---	--	--	--

