IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.337 of 2017

Arising Out of PS. Case No.-290 Year-2001 Thana- CHAPRA TOWN District- Saran

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Binod Kumar Chaurasia, , Son of Late Manik Chand Chaurasia, , resident of Mohalla- Lah Bazar, P.S. Chapra Town, Distt. Saran.

... ... Petitioner/s

Versus

1. The State of Bihar., ,
2. Akhilesh Kumar Jaiswal @ Mintu Jaiswal, , Son of Kapil Jaiswal, , resident of Mohalla- Rupganj, P.S. Chapra Town, District- Saran.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date : 21-07-2017

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State of Bihar.

2. The Opposite Party No. 2 has been declared to be a juvenile by the Juvenile Justice Board, Saran, at Chapra, by order, dated 14.06.2013, passed in J. Tr. No. 459 of 2017. An appeal, Criminal Appeal No. 27 of 2016, was preferred against the said order, dated 14.06.2013, by the petitioner, who is the informant of the concerned Chapra Town Police Station Case No. 290 of 2001, which has been dismissed by the impugned order, dated 08.12.2016, passed by learned Sessions Judge,

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Saran, at Chapra.

3. What transpires from the materials on record that the Juvenile Justice Board, Saran, at Chapra, on a claim having been raised by Opposite Party No. 2 of juvenility, had referred him to Medical Board for examination for the purpose of determination of his age. The age of the petitioner was determined by the Medical Board as on 04.04.2013 to be 25 years. Based on that assessment made by the Medical Board, the Juvenile Justice Board, Saran, at Chapra, determined the age of the Opposite Party No. 2 to be about 13 years and 06 months. Accordingly, by order, dated 14.06.2013, the Juvenile Justice Board, Saran, at Chapra, declared the Opposite Party No. 2 to be a juvenile.

4. Learned Counsel appearing on behalf of the petitioner has submitted that he did not have any information regarding the fact that the case of the Opposite Party No. 2 has been transferred to the Juvenile Justice Board, Saran, at Chapra, and the claim of Opposite Party No. 2 of being a juvenile has been accepted by the Juvenile Justice Board, Saran, at Chapra. When he learnt about the decision of the Juvenile Justice Board, Saran, at Chapra, he approached the Court of learned Sessions Judge, Saran, at Chapra, by filing Criminal Appeal No. 27 of

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2016, which has been dismissed wrongly on the ground of limitation.

5. I have perused the materials on record. I wanted to know from the learned Counsel for the petitioner as to whether there is any material to support the contention of the petitioner that the Opposite Party No. 2 was major as on the date of occurrence, he has referred to a certificate, issued on 28.04.2011, by one Sadhulal Prithvichand Uccha Madhyamik Vidyalaya, Chapra, Saran, wherein the date of birth of Opposite Party No. 2 has been shown to be 07.10.1978.

6. Learned Counsel for the petitioner has not been able to produce the original of the said certificate. He has also submitted that in the voters list prepared in the year 1995, the name of Opposite Party No. 2 figures and, therefore, he should be treated to be a major as on the date of occurrence.

7. The statutory rules, framed under Juvenile Justice (Care and Protection of Children) Act, 2015, lay down the procedure for determination of age of the person, claiming to be a juvenile. The provisions, *inter alia,* provide that if the documents, as referred to therein, are not available, the Board or the Court may seek medical opinion for determination of age of such person.

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8. In the present case, the Juvenile Justice Board sought opinion from the Medical Board as regards the age of Opposite Party No. 2. The Medical Board has evaluated the age of Opposite Party No. 2 to be 25 years as on the date of examination, i.e. in the year 2013. Based on the said assessment of age done by the Medical Board, the age of the Opposite Party No. 2, as on the date of occurrence, has been found to be 13 years and 06 months.

9. The determination of age of Opposite Party No. 2 and consequent declaration of him as a juvenile does not warrant interference by this Court in the facts and circumstances of the case.

10. This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25-07-2017
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