

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.453 of 2017

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Niranjan Kumar, Son of Permanand Singh @ Premanand Singh, Resident of Village:- Mamadeo, P.S: Mohania, District- Kaimur at Bhabua, under the guardian Parmand Singh @ Premand Singh, Resident of Village:- Mamadeo, P.S.: Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kr. Singh, Adv.

For the State : Mr. Rajkishore Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 25-07-2017

The petitioner, in the present criminal revision application, is aggrieved by an order, dated 08.11.2016, passed by learned Chief Judicial Magistrate, Kaimur At Bhabua, in Bhabua P.S. Case No. 639 of 2016 (G.R. Case No. 2769 of 2016), whereby, he has refused to entertain an application filed on behalf of the petitioner for declaring him to be a juvenile as on the date of occurrence.



2. The date of occurrence of the concerned Bhabua P.S. Case No. 639 of 2016 (G.R. Case No. 2769 of 2016) is 02.11.2016. The petitioner is not named in the First Information Report and his name surfaced in course of investigation. After having been apprehended, when the petitioner was produced before the Court of learned Chief Judicial Magistrate, relying on certificate of having passed Secondary School Examination, 2015 (Annual), issued by the Bihar School Examination Board, Patna, having his date of birth as 15.01.1999; he claimed his juvenility as on the date of occurrence. Learned Chief Judicial Magistrate rejected his application on the ground that as on the date of occurrence, he was nearly 18 years of age.

3. Learned counsel, appearing on behalf of the petitioner, has submitted that learned Chief Judicial Magistrate, Kaimur at Bhabua, ought not to have rejected his application, claiming juvenility, since the petitioner had produced certificate of having passed matriculation examination, which contain the petitioner's date of birth as 15.01.1999.

4. Learned counsel, appearing on behalf of the petitioner, is right in his submission. Learned Chief Judicial Magistrate, Kaimur at Bhabua, could not have rejected the petitioner's application, seeking juvenility, on the ground that his



age was nearly 18 years on the date of occurrence on the basis of matriculation certificate. He ought to have either conducted and enquiry himself or could have sent the matter to the Juvenile Justice Board.

5. The impugned order, dated 08.11.2016, passed by learned Chief Judicial Magistrate, Kaimur at Bhabua, in Bhabua P.S. Case No. 639 of 2016 (G.R. Case No. 2769 of 2016), is, accordingly, set-aside being illegal and erroneous.

6. Let the records of the case by the court below be sent to the Juvenile Justice Board, Kaimur at Bhabua, for determination of the petitioner’s juvenility in accordance with the provisions of the Act and the Rules framed thereunder.

7. This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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