

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1034 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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1. Baban Baitha Son of Late Kapoor Chand Baitha, Resident of Village-Rahampur,
Police Station-Garakha, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Prem Kumar Baitha, Son of Late Pyarchand Baitha, Resident of Village-
Rahampur, Police Station-Garakha, District-Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar Shrivastava, Advocate.

For the Respondent/s : Ms. Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 20-11-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner of this revision application, informant of
Garkha P.S. Case No. 79 of 2010, has assailed the order dated
30.08.2017 passed by learned 9th Additional Sessions Judge, Saran,
Chhapra in Juvenile Criminal Appeal No. 122 of 2015, whereby he
has hold the accused no. 2 Prem Kumar Baitha juvenile seventeen
years of age.

This is the third revision filed in the matter on the issue
of juvenility, two by the informant side and one by the accused prior
to this revision application.



Learned counsel for the petitioner submits that no reasoning has been assigned by the appellate court for giving benefit of one year to the lower side of the age assessed by the medical board, so on this sole ground, this impugned order is challenged. However, this is an admitted position that as there was no any clinching and other material to assess the age so, the Juvenile Justice Board constituted a medical board to assess the age of the accused, the medical board's on 30.03.2015 determined the age in between 23 to 25 years, however the date of occurrence is 08.04.2010, approximately five years after the occurrence assessment of age was done by the medical board. After deducting five years from 23 it comes to 18 years. So the age of the accused becomes between 18-20 years. The assessment of the age on the basis of radiological and dental examination is not perfect. There is always possibility of two years of error on either side.

Therefore, the discretion is given to the board to consider for giving advantage of lowering the age of the accused within a margin of one year. The age of the petitioner was on the date of occurrence 18 years and 8 months. So, if the rule 12(3)(B) of the Juvenile Justice Board (Care and Protection of Children) Rules, 2007 is applied in this case, then the accused age at the time of occurrence become lesser than 18 years in any case. So there is no error in the



appellate courts’ order.

Considering the facts and circumstance and discussions
made above, this revision application is dismissed.

(Arun Kumar, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

