

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.949 of 2016

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

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1. Anand Mistri Son of Late Jag Mohan Mistri Resident of village - Ora, P.S. Mufasil, District – Aurangabad Petitioner/s

Versus

1. The State of Bihar
2. Braj Mohan Mistri Son of Doman Mistri Resident of village - Ora, P.S. Mufasil, District - Aurangabad
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh
For the Respondent/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 17-01-2017

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

2. The petitioner's claim of juvenility has been rejected by learned Sessions Judge, Aurangabad, by an order, dated 13.01.2016, passed in Sessions Trial No. 244 of 1993, arising out of Mufassil Police Station Case No. 55 of 1993.

3. The petitioner claimed to be a juvenile on the basis of School Leaving Certificate, issued by the Principal of Rajkiya Town Inter School, Aurangabad. He is charged of commission of offence punishable under Section 302 of the Indian Penal Code. At the trial, 08 (eight) prosecution witnesses have been examined.

4. Rule 11 of the Juvenile Justice (Care and Protection of Children) Act, 2000, lays down the procedure for



age determination enquiry. Similar provisions are there in the rules framed by the Central Government under the Juvenile Justice (Care and Protection of Children) Rules, 2007. Following are the three documents, which can be sought as evidence in the enquiry for determination of age:-

- (i) The matriculation or equivalent certificates, if available; and in the absence whereof;
- (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;
- (iii) the birth certificate given by a corporation or a municipal authority or a panchayat.

5. Evidently, the petitioner did not produce any of the documents, as mentioned above.

6. After nearly 24 years of commission of offence, I do not find that any purpose would be served by seeking medical opinion for the purpose of determining age of the petitioner.

7. I do not find any illegality in the impugned order. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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