

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.622 of 2017

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

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Gunjan Kumari, Wife of Nitish Kumar @ Nitesh Kumar, resident of Village-
Alouli, Police Station Alouli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi, Wife of Sri Ram Chandra Prasad Singh, resident of Village- Alouli,
Police Station Alouli, District Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 31-08-2017

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

2. The petitioner seeks for setting aside order dated
22.04.2017 passed by Additional Sessions Judge-3rd, Khagaria in Cr.
Appeal No. 03 of 2017 whereby order dated 10.05.2016 passed by the
Juvenile Justice Board in Alouli P.S.Case No. 219 of 2015 holding the
petitioner minor, was upheld.

3. The fact of the case is in very narrow compass. The
mother of the petitioner filed Alouli P.S.Case No. 219 of 2015 dated
07.09.2015 under Sections 363 and 364 of the Indian Penal Code
against Nitish Kumar and others. The informant's daughter
(petitioner) was recovered during period of investigation and her



statement was recorded under Section 164 Cr.P.C. and the Magistrate assessed her age 18 years. The Medical Board also examined her age as on 18.09.2015 between 17 to 18 years. Thereafter, the Judicial Magistrate, 1st Class declared the petitioner major and, therefore, she started living with Nitish Kumar to whom she had married. Later on, mother of the petitioner filed criminal revision against order dated 21.09.2015 holding the petitioner major by the Magistrate. The Sessions Court directed to assess the age of the petitioner in accordance with law. Therefore, the Chief Judicial Magistrate, Khagaria transferred the case to Juvenile Justice Board for determination of her age. The Board considering the school leaving certificate of the petitioner found her juvenile as her age in the school record is mentioned as 05.01.2000. Thereafter, she was remanded to remand home at Patna.

4. Learned counsel for the petitioner submits that already she was declared major on the basis of physical appearance by the competent court and Medical Board also found her age in between 17-18 years.

5. Learned counsel for the State submits that appropriate procedure for determination of age is provided under the Act and the Rules framed under the Juvenile Justice (Care and Protection of Children) Act, 2015.



6. Having considered the rival submissions and on perusal of record, this Court finds that earlier the petitioner was assessed major merely on the basis of physical appearance by the Magistrate while recording her statement under Section 164 Cr.P.C. There is procedure for age determination as laid in the Juvenile Justice (Care and Protection of Children) Act, 2015 as well as the Rules framed by the State Government in case of a juvenile in conflict with law. The Juvenile Justice Board following the said rules on the basis of her educational qualification declared her juvenile finding her age on 05.01.2000, so there is no illegality in the impugned order. Hence, finding no merit, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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