

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.551 of 2017

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

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Abodh Singh Son of Kalakatar Singh, Resident of Village- Makanpur, P.S.-
Warisaliganj, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar
2. Guddu Kumar, son of Ramchandra Prasad, Resident of Village- Akauna Bazar,
P.S.- Mufassil, District- Nawada.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Arun Kumar Arun, Advocate
For the State	:	Smt. Renu Kumari, APP
For O.P. No.2	:	Mr. Radha Mohan Singh, Advocate Mr. Mayank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 18-12-2017

Heard learned counsel for the petitioner, learned APP for
the State as well as learned counsel appearing on behalf of opposite
party no.2.

2. The petitioner has preferred the revision application
being aggrieved against the order dated 31.01.2017, passed by learned
Sessions Judge, Nawada in Criminal Appeal (Juvenile) No.63 of
2016, whereby the order dated 20.10.2016, of the Juvenile Justice
Board, Nawada was affirmed holding the accused-opposite party no.2
a juvenile, precisely 17 years 1 month and 15 days old on the basis of
the date of birth recorded in the admission register of Rajkiya Madhya
Vidyalaya, Pater, Wazirganj, Gaya.

3. The brief fact giving rise to the case is that the opposite



party no.2, Guddu Kumar, is the accused in a case of kidnapping and murder lodged by the petitioner. He claimed himself juvenile before the court and case was transmitted to Juvenile Justice Board, Nawada for doing enquiry to ascertain his age in view of the provisions of the Juvenile Justice (Care and Protection of Children) Act. The admission register was produced before the J.J.B. and considering the entry in the admission register, the accused was declared juvenile less than 18 years of age. The informant also appeared and submitted before the Board that the accused is a student of B.A. as he himself admitted in his confessional statement made before the police, so his matriculation certificate be called for but the same was not considered and order was passed declaring him juvenile.

4. Learned counsel for the petitioner submits that accused Guddu Kumar is a student of B.A., as himself admitted in the confessional statement, but no heed was paid to the submission made by the informant before the Juvenile Justice Board regarding the fact of being a student of B.A., so the informant claimed him major on the day of occurrence and requested the Juvenile Justice Board for calling his matriculation certificate but declining the submission of the informant, he was declared juvenile.

5. Before this Court, the petitioner has filed mark-sheet of matriculation issued to Guddu Kumar, Son of Ramchandra Prasad and



Sumitra Devi by Bihar School Examination Board, Patna in the year 2012 in which his date of birth is recorded as 12.02.1996. He appeared in the matriculation examination from High School, Kendua. The date of alleged occurrence is 27.07.2016 which means on the date of the alleged occurrence, he was 20 years of age. The opposite party no.2, the accused, was directed to file counter affidavit whether admits or denies the genuineness of the matriculation certificate issued by Bihar School Examination Board. In paragraph-5 of the counter affidavit he admits the genuineness of the matriculation certificate according to which his date of birth is recorded as 12.02.1996. This is candid admission by the accused that he is a major. Despite that in order to get benefit of the juvenility, forged document was produced before the Juvenile Justice Board, which is a serious matter rather criminal offence committed by the accused using evidence known to be false and also amounts to interference with the administration of justice.

6. Hence, for the reasons aforesaid, both the impugned orders as well as order dated 14.06.2017 are set aside and opposite party no.2 Guddu Kumar is declared major on the day of alleged occurrence. The Juvenile Justice Board, Nawada is directed to proceed against opposite party no.2 as an adult, moreover also initiate a criminal prosecution against opposite party no.2 for using certificate



or entry in the admission register the incorrect age of his date of birth as a false evidence to get benefit out of it. The proceeding should be started in accordance with law against all persons concerned.

7. With the aforesaid observation and direction, this application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2017
Transmission Date	21.12.2017

