

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 775 of 2017**

- Damanlal Gayakwad @ Chhotu S/o Dukalu Gayakwad, Aged (Not Mentioned In The Impugned Order Sheet) Resident Of Village Patos, Police Station Berla, Civil And Revenue District Bemetara Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Urla, Civil And Revenue District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Neha Verma, Advocate
For Respondent	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/08/2017**

1. Heard.
2. This revision is filed against the order dated 30.08.2016, passed by the Additional Sessions Judge (FTC), Raipur whereby the claim of the applicant that he was minor on the date of incident has been refused.
3. Perusal of the order would show that the applicant was charged under Sections 363, 366 & 376 (2) (N) of the IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and during pendency an application was filed that at the time of incident i.e. on 08.02.2016 he was a minor. The learned Court below after receipt of such application made an enquiry and during enquiry of Dakhilkharij Register (Ex-P1C & Ex-PC2), Kotwar Register (ExC-3) and the ossification report was considered.

Thereafter the Court came to conclusion that in the Kotwar Register the Date of Birth of the applicant is show as 01.03.1996 and in the ossification report his date of birth is age was shown between 17 to 19 years. The Court found even if the statement of the applicant is accepted that his date of birth is 01.03.1996 or 03.03.1996 in any eventuality he was more than 18 years on the date of incident i.e. on 08.02.2016, therefore, on that basis the application which was filed before the child home was dismissed and the Court after enquiry came to conclusion that at the time of incident he was major. Considering the facts of this case it appears after due enquiry the age of the applicant appears to be more than 18 years. More so I do not find any reason to interfere with such order. Consequently, application for condonation of delay and also the revision on merits is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu