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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2014 OF 2017

Sagar Lalsingh Rathod

... Petitioner

vs.

State of Maharashtra

... Respondent

Mr. Akshay A. Kulkarni for the Petitioner.

Mr. S. V. Gavand, APP, for the Respondent-State.

CORAM : A.K. MENON, J.

DATE : 20th JUNE, 2017

P.C.

1. Heard.
2. Application was listed today at the instance of the applicant challenges an order dated 24th April, 2017 passed by the JMFC, Pune whereby the applicants request for transfer the matter to the Juvenile Justice Board by virtue of provisions of the Juvenile Justice (Care & Protection of Children) Act.2000. It is his contention that at the time of offence applicant is minor and that in order to establish this fact he had relied upon the certificate of participation in wrestling competition held in 2008-09 the date of birth mentioned as 11th October, 1993. It is his submission that by virtue of that certificate the age at the material time was 14. It is submitted that virtue of the date of birth disclosed in the said certificate which is issued in the year 2008 it is established that applicant was a minor and therefore entitled to the application of provisions of the Juvenile Justice Act.

3. The impugned order records that the applicant had relied upon a certificate of participation in the said wrestling competition and in view of the said certificate the rejection of the application for reference to the Juvenile Justice Board is bad in law. The learned APP points out that the contention of the applicant is contrary to the record since from the FIR itself is clear that the applicant was a major. The offence took place in 2014.
4. I have heard the submission of the learned counsel. During the course of submissions, on a query from the Court, it is submitted that the applicant has completed his education till 12th Standard. On a further query as to the date of birth as recorded in the School Leaving Certificate or examination certificates, the learned counsel submitted that same are not on record. It is evident that no attempt has been made by the applicant to bring on record the School Leaving Certificate or other contemporaneous certificate which would have disclosed his date of birth. The reliance placed on the certificate of participation issued in the wrestling competition is of no avail. In the circumstances, there is no merit in the present application. I therefore pass the following order:-
- (i) Writ petition is rejected.
 - (ii) No order as to costs.

(A. K. MENON, J.)