

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58855 of 2017

Arising Out of PS.Case No. -44 Year- 2005 Thana -ROSERA District- SAMASTIPUR

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Jitendra Kumar Mahto @ Jitendra Kumar, Son of Ram Charitra Mahto @ Charitra Mahto, resident of Village- Dhathha, P.S. Rosera, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-08-2018 No body appears on behalf of the petitioner to press the application.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 23.09.2017 passed by the learned Additional District Judge, Rosera, Samastipur in Sessions Trial No. 688 of 2005 arising out of Rosera P.S. Case No. 44 of 2005 by which the trial court dismissed the claim of juvenility of the petitioner on the date of occurrence.

From perusal of the impugned order dated 23.09.2017, it would be manifest that on the basis of overwriting and manipulations made in the documents produced before it in



respect of claim of juvenility, the trial court came to the conclusion that the documents produced were fabricated and manufactured in order to make a false claim of juvenility. No reasonable explanation has been given by the petitioner to dispel the finding of the trial court.

That apart, this application under Section 482 of the Cr.P.C is not maintainable in view of statutory remedy being available to the petitioner under the Juvenile Justice (Care and Protection of Children) Act.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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