

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.126 of 2015

=====

1. Manish Kumar Son of Sri Bindeshwar Pandit, Resident of Village - Kodihara, P.S. -Paliganj, District - Patna, at present residing at South Indira Nagar, Road No. 8 Postal Park, P.S. - Jakkanpur, District -Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Saurabh Kumar Jha, alias Rahul Saurabh Kumar, Son of Lila Nand Jha, Resident of Village - Fulaih, P.S. - Raghapur, District - Sapaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Adv.
For O.P. No. 2 : Mr. Subodh Kumar Jha, Adv.
Mr. Balkrishna Mishra, Adv.
For the Respondent/s : Mr. Anil Kumar Singh 1(App)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 15-01-2018 The petitioner has challenged the order dated 16.12.2013 passed by the learned Juvenile Justice Board, Patna in J.J.B. Case No. 261 of 2013 arising out of Jakkanpur P.S. Case No. 154 of 2013 dated 06.06.2013 which was instituted for the offences under Sections 302, 201 and 376 (2)(i)(m) of the Indian Penal Code whereby, the opposite party no. 2, namely, Saurabh Kumar Jha was declared a juvenile as well as against the order dated 20.12.2014, passed by the learned Additional District & Sessions Judge-IX, Patna in Criminal Appeal No. 1935 of 2014 whereby, the order passed by the Juvenile Justice Board, has been affirmed and upheld.

From the order dated 16.12.2013 passed by the



Juvenile Justice Board, it appears that the matriculation certificate, admit card and the registration card, issued by the Central Board of Secondary Education, Delhi were relied upon for holding the opposite party as juvenile. A verification report was called for from the Central Board of Secondary Education, Delhi and it was found that the opposite party was a juvenile on the date of the occurrence. The age mentioned in the matriculation certificate is 14.07.1996 and the date of occurrence is 06.06.2013, which makes the opposite party a juvenile on the date of the occurrence. However, on the asking of the informant of this case, a Medical Board was also constituted and the Medical Board assessed the age of opposite party between 17-19 years on 26.11.2013.

The aforesaid order passed by the Juvenile Justice Board was challenged by the petitioner in Criminal Appeal No. 1935 of 2014. The same grounds were raised by the petitioner before the Appellate Court, the Appellate Court, after perusal of the provisions of Section 7 (A) of the Juvenile Justice (Care and Protection of Children) Act, 2000 read with Rule 12 of the Juvenile Justice (care and Protection of Children) Rules, 2007 came to the conclusion that the opposite party was a juvenile on the date of the occurrence.

Mr. D.K. Sinha, learned senior advocate, has actually



challenged both the orders on the ground that once the Juvenile Court was not satisfied with the genuineness of the educational certificate, namely, matriculation certificate, then only Medical Board was directed to be constituted for the assessment of the age of the juvenile at conflict with law. Once the Medical Board was directed to be constituted, it pre-supposes that the certificates furnished by the juvenile were not accepted as correct. In that view of the matter, Mr. D.K. Sinha, learned senior advocate has asserted, due weightage ought to have been given to the opinion of the Medical Board. In that context, it was also argued by Mr. Sinha that the opinion of the Medical Board does not contain the signatures of the doctors.

The law with respect to declaration of a person as juvenile is very clear. Section 7(A) of the Juvenile Justice Care and Protection Act, 2013 read with Rule 12 thereof. It is settled that only in the absence of the matriculation certificate, can other documents be asked for by the Juvenile Justice Board while deciding juvenility of the accused. Since, the matriculation certificate tendered by the opposite party has been verified to be true and was not found to be lacking in any respect, the order of the Juvenile Board as well as Appellate Court sustaining such order cannot be interfered with at this stage.



For the aforesaid reason, the present criminal revision
is dismissed.

(Ashutosh Kumar, J)

sushma/-

U		T	
---	--	---	--

