

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5517 of 2016

Arising Out of PS.Case No. -23 Year- 2013 Thana -NARDIGANJ District- NAWADA

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Rukmini Devi, W/o Sunil Yadav, R/o village- Pararia, P.S. Nardiganj, Distt. - Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Yadav, S/o Late Ramjee Yadav, R/o vill. - Pararia, P.S. Nardiganj, Distt. - Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

: Mr. Raj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 26-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 23.07.2015 passed by the Additional Sessions Judge, 1st, Nawada, in Nardiganj P.S. Case No.23 of 2013 by which he has declared Opposite Party No.2 as juvenile.

Heard counsel for the parties.

From the impugned order, it appears that the 1st Additional Sessions Judge, Nawada, has declared the Opposite Party No.2 as juvenile after holding enquiry and directed to send the record to Juvenile Justice Board.

Without going into merits of the case, this Court is of



the view that the learned 1st Additional Sessions Judge, Nawada, was not authorized to give any finding with regard to juvenility of the accused while holding trial of the accused. He was only required to send the record to Juvenile Justice Board if he has any doubt with regard to juvenility of the accused and Juvenile Justice Board was competent to hold enquiry and pass appropriate order in terms of provision of Section 94 of The Juvenile Justice (Care and Protection of Children) Act, 2015.

In view of such, the impugned order dated 23.07.2015 passed by the Additional Sessions Judge, 1st, Nawada, in Nardiganj P.S. Case No.23 of 2013 is hereby quashed.

The 1st Additional Sessions Judge, Nawada, is directed to send the case with regard to Opposite Party No.2 to Juvenile Justice Board without giving any finding with regard to juvenility, if he considers him to be juvenile, and the Juvenile Justice Board after holding enquiry will pass appropriate order in accordance with law.

This application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
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