

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.36 of 2018

Arising Out of PS. Case No.-78 Year-2015 Thana- BIKRAM District- Patna

Sukhdev Prasad Verma (reported to be dead), S/o Late Ram Chandra Verma,
R/o Village - Ankhan , P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rajini Devi D/o Sunil Singh, R/o vill. + P.S.- Bikram , District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Advocate with
Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-11-2018 This revision application has been preferred against the order dated 17.10.2017 passed in Sessions Trial No. 241 of 2017, arising out of Bikram P.S.Case No. 78 of 2015 by which learned Additional District and Sessions Judge-II, Danapur has held the petitioner as juvenile and later on the order of Juvenile Justice Board (in short 'Board') dated 23.7.2018 has also been brought on record, by which opposite party No.2 has been declared juvenile, and petitioner has challenged the same also.

In course of argument it has been submitted by learned Senior Counsel for the petitioner that petitioner has already died and son of the petitioner has filed an affidavit to pursue the case.

Prosecution case, in short, is that opposite party No.2



is wife of deceased Ramesh Kumar and son of informant Ramesh Kumar made a mobile call to the informant to come at his sasural and thereafter the petitioner along with other person went at the house of Sunil Singh where he found Ramesh injured condition and on query he disclosed that his father-in-law and other accused persons, including opposite party No.2 in conspiracy assaulted him and cut the vein of hand and leg and due to which he received injuries and later on Ramesh Kumar succumbed to the injuries. It further appears from the record that after investigation charge sheet was submitted against opposite party No.2 and other accused persons and case was committed to the court of sessions.

Later on opposite party No.2 filed a petition under Section 7 of the Juvenile Justice (Care and Protection of Children) Act (in short 'Act') and requested for sending the matter to the Board claiming to be a juvenile as her date of birth was 9.6.1997, i.e., below 18 years of age. Learned Sessions Judge relying upon the entry made in the Matriculation certificate remanded the matter to the Board and that order is also under challenge. Later on the Board has also declared her juvenile by order dated 23.7.2018 which has been brought on record by way of supplementary affidavit.



Submission of learned Sr.Counsel for the petitioner is that father of opposite party No.2 sworn an affidavit for getting benefit of “Kanya Vivah Yojna” and further it is alleged that the entry made in the Matriculation certificate was not correct entry and the same was manipulated and as such the order declaring opposite party No.2 as juvenile is not sustainable.

Heard learned counsel for the State.

Having heard both sides and from perusal of the order of the Board dated 23.7.2018 it appears that the Board has declared opposite party No.2 as juvenile on the basis of Matriculation certificate which has been held by Bihar School Examination Board also.

Section 94(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides for presumption and determination of age, which reads as follows :

“In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining-

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a



**corporation or a municipal authority
or a panchayat;**

**(iii) and only in the absence of (i)
and (ii) above, age shall be determined
by an ossification test or any other
latest medical age determination test
conducted on the orders of the
Committee or the Board:**

**Provided such age determination
test conducted on the order of the
Committee or the Board shall be
completed within fifteen days from the
date of such order.”**

In this case the Board has declared opposite party
No.2 as juvenile on the basis of Matriculation certificate and,
that too, after verification.

In such view of the matter, I find no merit in this
revision application. It is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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