

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.321 of 2015

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Loha Yadav @ Abhay Kumar @ Abhay Yadav, S/o Sri Gupteshwar Singh,
Resident of Village- Masharhiya, P.S.: Murar, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the State : Mr. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 19-01-2018

The petitioner is aggrieved by the order dated 27.08.2014 passed by learned Additional Chief Judicial Magistrate, Ara in connection with Piro P.S. Case No. 146 of 2014, whereby the petitioner has been refused to be declared a juvenile as well as against the order dated 11.12.2014 passed by the learned 1st Additional Sessions Judge, Ara in Cr. Appeal No. 37 of 2014, whereby the order passed by the learned Additional Chief Judicial Magistrate, refusing to hold the petitioner a juvenile, has been affirmed and upheld.

The petitioner, in order to be declared a juvenile, furnished the school register of middle school, Buxar where his date of birth is stated to be 17.03.1997. Since the date of occurrence is 20.05.2014, the petitioner claimed to be less than eighteen years of age on the aforesaid date.



Be it noted that the learned Additional Chief Judicial Magistrate did not find the petitioner juvenile on seeing him and therefore, directed for constitution of a Medical Board. Of himself, he assessed the age of the petitioner as nineteen years. The Medical Board has assessed the age of the petitioner between twenty two and twenty three years. An enquiry was also conducted by the learned Magistrate. In the aforesaid enquiry, the Principal of the middle school was examined who testified before the learned Court below that the document furnished by the petitioner was part of the admission register of the school. However, he has stated that he had joined as Principal of the school in the year 2012 only.

The relevant pages of the school admission register have been brought on record vide Annexure-2. From a perusal of the admission register, it clearly appears that the pages of the register have not been paginated and there is no indication of year wise admission of the students.

Learned Court below also compared the handwriting of entry No. 52 against which the name of the petitioner is inscribed and it was found to be substantially different from the handwriting at item Nos. 47 to 51 and thereafter from item Nos. 53 to 57. The genuineness of the aforesaid document, so far as assessment of age of the petitioner was concerned, was found to be doubtful by



the Court below. This assumption of the Court has further been reinforced by the fact that prior to the institution of the present case, the petitioner has been made accused in about thirty eight cases of road robbery and other offences. As such, the Court below refused to declare the petitioner a juvenile. Similar grounds have been assigned by the learned Appellate Court in affirming the order of the learned Additional Chief Judicial Magistrate.

This Court finds no good reason to interfere with both the orders. The admission register of the school does not appear to be paginated and there is no indication of any year wise admission of students in the aforesaid register.

Both the Courts below were justified in refusing to put any reliance on the admission register.

The petition, therefore, is dismissed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
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