

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24171 of 2016

Arising Out of PS.Case No. -707 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Dhrub Prasad @ Dhurub Prasad son of Late Banti Lal sah, Resident of village
Siswa, Police Station-Banjaria, District-East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-01-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 04.04.2016 passed by the learned Sessions Judge, East Champaran at Motihari in Cr. Rev. No. 36 of 2016 by which he has dismissed the revision application filed against the order dated 16.02.2016 passed by the learned Chief Judicial Magistrate, Motihari in Turkauliya (Banjaria) P. S. Case No. 707 of 2015 by which he had directed the victim girl to be released and she was set at liberty to go to the place of her choice.

2. Learned counsel for the petitioner contended that at the time, when the order was passed by the learned Chief Judicial Magistrate, the victim girl was aged about 17 years and, thus, the learned Magistrate committed an error of law in releasing the girl



and allowing her to go to the place of her choice. He contended that for the same reason, the order of the revisional court is also bad in law whereby the revisional court refused to interfere with the order passed by the learned Chief Judicial Magistrate.

3. On query made by this Court, learned counsel for the petitioner admitted that when the victim girl was examined by the medical board on 24.08.2015, on the basis of radiological finding, the age of the victim was assessed between 15 ½ and 16 ½ years. In that view of the matter, as on date the victim has attained majority. Even if her date of birth, which was recorded in school record, as 28.09.2000, is to be believed, she would only be few months less than attaining 18 years.

4. Due to efflux of time, as also in view of ratio laid down by the Supreme Court in **Jaya Mala vs. Home Secretary, Government of Jammu & Kashmir & Ors. [AIR 1982 SC 1297]**, I see no reason to interfere with the order passed by the court below at this stage. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
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