

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.514 of 2019

Arising Out of PS. Case No.-64 Year-2013 Thana- AMARPUR District- Banka *

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Rajesh Kumar @ Dablu Kumar @ Dabla @ Dablu Son of Sri Bharat Tanti
Resident of Village - Mahauta, Police Station-Amarpur, District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Education Department,
Patna, Bihar
2. The Collector, District - Banka, Bihar
3. The District Education officer, Banka, Bihar
4. The Headmaster, Prathmik Vidyalaya, Vidhu Vishanpur, Prakhand- Amarpur
(North), Distt.- Banka, Bihar
5. Suman Kumari Wife of Guddu Mandal Resident of Village - Satdhara,
Police Station- Amarpur, District- Banka, Bihar
6. Dev Ranjana, Asst. Teacher, St. Middal School, Shahganjabad Police
Station, Amarpur, District- Banka, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Respondent/s : Mr.Ashutosh Ranjan Pandey,AAG-15

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-04-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing the order dated 06.11.2018 passed by the learned Additional Sessions Judge,1st, Banka in Sessions Trial No. 155 of 2016 whereby the plea of the petitioner claiming himself to be juvenile on the alleged date of occurrence has been



dismissed. The petitioner has further prayed for setting aside the order dated 10.04.2014 passed by the Juvenile Justice Board, Banka, whereby it has rejected the claim of juvenility of the petitioner.

2. Learned counsel appearing for the petitioner submitted that the court below erred in appreciating facts and law involved in the case and has wrongly dismissed the application of the petitioner claiming himself to be juvenile vide impugned order dated 06.11.2018.

3. Per contra, learned counsel appearing for the State submitted that the application filed by the petitioner is totally misconceived. His claim of juvenility was rejected by the Juvenile Justice Board, Banka vide order dated 10.04.2014. The said order dated 10.04.2014 was challenged in appeal vide Criminal Appeal No. 49 of 2014 before the Court of Session and the learned Additional Sessions Judge-I, Banka rejected the appeal vide order dated 24.01.2015/24.02.2015. Thereafter, the petitioner challenged the appellate order in revision under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 before this Court, but the said revision application was also dismissed as withdrawn vide order dated 11.06.2015. Hence, the subsequent application before the trial



court claiming juvenility has rightly been rejected.

4. I have heard learned counsel for the parties and carefully perused the record.

5. Learned counsel for the State has rightly pointed out that the application filed by the petitioner is misconceived. The petitioner has been made a named accused in Amarpur P.S. Case No. 64 of 2013 dated 27.03.2013 registered inter alia under Section 302 of the Indian Penal Code. When the police apprehended him, he took plea of juvenility. However, his claim of juvenility was rejected by the Juvenile Justice Board. The order of Juvenile Justice Board was challenged in appeal by the petitioner, but the appeal was dismissed by the Court of Session. Challenging the appellate order, he preferred revision application before this Court but the same was disposed of as the petitioner chose to withdraw the same. Hence, the issue as far as the claim of juvenility on the alleged date of occurrence of the petitioner is concerned had attained finality on 11.06.2015 when the revision application preferred before this court was disposed of. Any subsequent application filed by the petitioner before the trial court claiming juvenility is nothing but an attempt to delay the trial. In that view of the matter, the trial court has rightly rejected his plea of juvenility.



6. There is no illegality in the order impugned,
the application is dismissed.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.04.2019
Transmission Date	06.04.2019

