

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.588 of 2019

Arising Out of PS. Case No.-492 Year-2017 Thana- MUFFASIL District- West Champaran

Rupa Kumari, D/o- Sadhu Sharan Tiwari, Wife of Sandeep Tiwari Resident of Village - Karanmeya, P.S.- Bettiah Muffasil, District- West Champaran, Resident of Barwat Parsain, P.S.- Bettiah Muffasil, Distt.- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Home (Police) Department, Government of Bihar, Patna
2. The S.H.O. Bettiah Muffasil Police Station, District- West Champaran.
3. Shri Sadhu Sharan Tiwari, Son of Late Kuber Tiwari, Resident of Village - Karanmeya, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 10-04-2019

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for quashing the order dated 20.12.2018 passed by the learned Additional Sessions judge-1st-cum-Special Judge, West Champaran at Bettiah in Bettiah Muffasil Police Station Case No. 492 of 2017 by which he has rejected the prayer for release of the petitioner, who is in Government Aftercare Home, Gaighat, Patna for her release.

2. The claim of the petitioner is that she has attained majority whereas the date of birth recorded in school certificate



discloses that she is minor. The victim was also examined by the doctor, who opined that her age is between 17 and 19 years. The court below has treated the date of birth of the petitioner recorded in the certificate issued by the school not trustworthy and, thus, rejected the prayer of the petitioner.

The order impugned passed by the court below is a revisable order under Section 397 of the Code of Criminal Procedure.

In view of the availability of statutory remedy to the petitioner under the Code of Criminal Procedure, I am not inclined to entertain this application under extraordinary writ jurisdiction. Accordingly, it is dismissed as not maintainable with liberty to the petitioner to avail of the statutory remedy in the same subject matter.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

AFR/NAFR	NAFR
CAV DATE	NA
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