

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.247 of 2022

Arising Out of PS. Case No.-704 Year-2019 Thana- BUXAR District- Buxar

Kunjan Giri Son Of Shivdani Giri R/O Village- Bhikhampur, P.S.- Itarhi,
District- Buxar

... .. Petitioner

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Roy, Advocate
For the Respondent/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Ramchandra Singh, Advocate
		Ms. Dimpal Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned APP for the State.

The petitioner is aggrieved by and dissatisfied with the impugned judgment dated 10.01.2022 passed by learned A.D.J.-1st-cum-Special Judge (SC/ST & Children Court), Buxar in Cr. Appeal No. 06 of 2021 whereby and whereunder the order dated 16.01.2021 passed by learned Juvenile Justice Board, Buxar in J.J.B. Case No. 547 of 2020, G.R. No. 2507 of 2019 arising out of Buxar (Town) P.S. Case no. 704 of 2019 rejecting the application of petitioner to declare him juvenile has been affirmed.

Learned counsel for the petitioner submits that the prayer for declaring the petitioner juvenile has been rejected by learned Juvenile Justice Board, Buxar as well as learned



Additional District Judge-1st-cum-Special Judge, Children Court, Buxar without looking into the materials showing the date of birth of the petitioner as 17.08.2002.

Learned counsel submits that the impugned judgment is bad in law and is liable to be set aside and the age mentioned in the matriculation certificate (Annexure '3') be taken to be the correct date of birth of the petitioner.

On the other hand, learned counsel for the informant and learned APP for the State point out that in terms of the scheme of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 which is still in existence is applicable, the admission register of the school first attended by the petitioner has been taken into consideration and it has been found that in class 1st the date of birth of the petitioner was recorded as 25.12.1999.

Attention of this Court has been drawn towards paragraph '7' of the impugned judgment of the learned appellate court wherein it has been shown that how different dates of birth have been mentioned in different documents produced on behalf of the petitioner. It is submitted that the informant had laid the evidence in which he had brought on record the extract of the



admission register of Madhya Vidyalaya Katriyan, Buxar showing the date of birth of the petitioner as 25.12.1999. It has been marked as exhibit '1' and there is no reason as to why exhibit '1' could not be taken into consideration.

Having heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State, this Court finds that both the learned Juvenile Justice Board, Buxar and learned appellate court have taken the correct view of the matter by relying upon the extract of the admission register of the school (exhibit '1') showing the date of birth of the petitioner as 25.12.1999. No plausible ground has been shown to this Court to reject the said piece of evidence which is available on the record. No error may be found with the impugned judgment.

This revision application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

