

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLREV No.440 of 2021**

***Anurag Rathore***

....

***Petitioner***

Mr. R.N. Biswal, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Parties***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE S.K. PANIGRAHI**

**ORDER**

**10.02.2022**

**Order No.**

02. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner has filed the criminal revision challenging the order dated 27.09.2021 passed by the learned 2<sup>nd</sup> Addl. Sessions Judge, Berhampur in 2(a)CC No.37 of 2021(N) corresponding to P.R. No.79 of 2021-22 rejecting his application for juvenile.
4. Learned counsel for the petitioner submits that, as per school leaving certificate, the date of birth of the petitioner is 27.06.2004 and as per such document, the age of the petitioner is 16 years 11 months on the date of registration of the case. Further, he submits that the school leaving certificate or the birth certificate given by the Corporation/Municipality is a correct document for accessing the date of birth of a child. In the present case, the petitioner's certificate seems to be genuine one and issued by the appropriate

authority i.e. school, where he was studying. Relying upon Section 94 of the J.J. Act, 2015, he submits that if the school leave certificate or birth certificate given by the Corporation/Municipality is genuine and admissible for age determination, the ossification test is not required. On such submissions, the petitioner be treated like juvenile.

5. Learned counsel for the State submits that the question of certificate of the present petitioner is issued by a school from U.P. having no proper seal or emblem for which the court sent the accused for medical test. However, the seal is visible in the said document.

6. In view of such facts, the order dated 27.09.2021 passed in 2(a)CC Case No.37 of 2021N is set aside.

7. As stated, it is made clear that if there is any doubt on the authenticity of the document produced by the petitioner, the trial court is within its jurisdiction to verify the same and to decide as to accept or deny the same.

8. Accordingly, the CRLREV is disposed of.

9. Urgent certified copy of this order be granted on proper application.

**(S.K. Panigrahi)**  
**Judge**

PCD