

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
19 CRIMINAL WRIT PETITION NO.205 OF 2022

JAYASHRI RAMA MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Ashok S. Pavse
APP for Respondents: Mr. S.J. Salgare, APP

**CORAM : V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.
DATE : 7TH MARCH, 2022.**

PER COURT:

1] Heard finally with the consent of learned counsel appearing for parties, at the admission stage.

2] The petitioner/original informant has approached to us by filing this writ petition with the prayer to transfer the investigation of Crime No. 314 of 2021 registered with Ashti Police Station, Taluka Ashti, Dist. Beed for the offences under Sections 354, 354A and 354B of the IPC and under the provision of Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, to any other agency.

3] On perusal of the FIR of Crime No. 314 of 2021, it appears that the said crime has been registered against two real brothers. It appears from the police papers that they are twins.

4] Learned counsel for the petitioner has relied on 'Exh.F' (page 27) i.e. Birth Certificate in respect of accused No.1 Kalyan and in the said birth certificate the date of birth of accused No.1 is shown as 28.12.2001. The learned counsel also placed reliance on the entries in the Ration Card.

5] Learned APP submits that, the I.O. has collected the admission form of both the accused persons from the Zilla Parishad

Primary School, Shelarwadi, wherein, the date of birth of both the accused persons is shown as 5.8.2004. It thus appears that, in terms of the documents collected by the I.O., during the course of investigation, both the accused appear to be juvenile in conflict with law. It is further informed to us that during the pendency of this writ petition, charge sheet has been filed.

6] The learned counsel for the petitioner submits that so far as accused Kalyan is concerned, as per his date of birth, he is major. However, surprisingly the learned counsel for the petitioner, on instructions submits that the accused No.2 - Daulat is juvenile in conflict with law.

7] We are unable to understand as to how, out of the twins, one is juvenile in conflict with law and another is of the age of majority. However, we grant liberty to the petitioner - informant to approach the Juvenile Justice Board, by filing appropriate application in terms of the provisions of Section 14 of the Juvenile Justice (Care and Protection of the children) Act, 2015 and upon filing such application, the Board shall make an inquiry in regard to child in conflict with law and pass such order in relation to such a child, as it deems fit, under Section 14 r/w. 17 and 18 of the said Act.

8] In terms of the above observations, writ petition is disposed of.

[SANDIPKUKAR C. MORE]
JUDGE

[V.K. JADHAV]
JUDGE.

grt/-