

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55320 of 2018

Arising Out of PS. Case No.-16 Year-2013 Thana- MAHILA PS District- Aurangabad

Vikash Kumar, S/o Sri Ramesh Singh @ Ramesh Prasad, resident of Village Deo, P.S. Deo District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 25-09-2024 The petitioner has been facing trial in connection with Aurangabad Sadar Mahila P.S. Case No. 16 of 2013 for the offence under Section 376 of the IPC and Section 4/6 of the POCSO Act.

2. During trial, it was contended on behalf of the petitioner that the victim girl was major on the date of commission of the alleged offence and the accused cannot be implicated under the charge of Section 4/6 of the POCSO Act. In order to prove the said contention, a petition was filed on behalf of the petitioner with a prayer to call for the birth register/certificate of the victim from Sen's Clinic-AA 73, Saltlake City, Kolkata-700064 (West Bengal). The learned Trial Judge rejected the said petition and proceeded with the trial of the case.



3 The petitioner, being aggrieved, has filed the instant application under Section 482 of the Cr.P.C..

4. It appears to this Court that the impugned order dated 2nd of August, 2018 is a revisable order and the instant application under Section 482 of the Cr.P.C. is not maintainable.

5. Accordingly, the instant application is dismissed.

6. However, the petitioner is at liberty to convert the instant Cr. Misc. Case to a Cr. Revision under Sections 397 / 401 of the Cr.P.C.

7. The Stamp Reporting Office is directed to do the needful.

(Bibek Chaudhuri, J)

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