

CRR No. 3902 of 2023

In the matter of :Swapan Patra @ Swapan Kumar Patra & Anr.

..... petitioners.

Mr. Saryati Datta
Mr. Sanjib Kr. Dan
Mr. Chitrak Biswas

...for the petitioners.

Mr. Debasish Roy
Mrs. Rituparna De Ghose

...for the State.

Affidavit of service filed by the petitioners is taken on record.

The order passed by the learned Additional Sessions Judge, 1st Court, Jhargram, Paschim Medinipur on 17th July, 2023 in SS.Tr.XI/Dec/2007 declaring the petitioners to be majors and turning down the prayer of the petitioners that they were juvenile at the time of the alleged incident is assailed in the application. The alleged incident occurred on 20th October, 2003.

The learned Court has recorded the evidence of the petitioners and the headmaster of Amarda Primary School which the petitioners attended and have exhibited certain documents including the admit cards of the petitioners issued by the West Bengal Board of Secondary Education and extract of the admission register of the petitioners. The learned Court has observed that the dates of birth

mentioned in the admission registers of both the petitioners have been overwritten and do not contain any initial and as such, the said documents cannot be safely relied upon.

However, the learned Court has relied upon admit cards issued in favour of the petitioners by the West Bengal Board of Secondary Education without referring to the same specifically.

The admit card of Swapan Kumar Patra demonstrates that his date of birth is 14th April, 1986. The admit card of Chaitan Kumar Patra demonstrates that his date of birth is 2nd April, 1989. These admit cards have been admitted in evidence by the learned Trial Court and are not disputed.

In view of the above, it is crystal clear that both the petitioners were minors at the time of the alleged incident and need to be dealt with as juvenile delinquent.

The revisional application being CRR 3902 of 2023 is allowed.

The order impugned dated 17th July, 2023 passed by the learned Additional Sessions Judge, 1st Court, Jhargram, Paschim Medinipur on 17th July, 2023 in SS.Tr.XI/Dec/2007 is set aside.

The learned Trial Court is directed to take necessary steps for splitting up of the trial since the other accused persons are admittedly major. The learned Trial Court

shall also take necessary steps for trial of the petitioners under the Juvenile Justice (Care & Protection of Children) Act, 2015.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)