

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.835 of 2024**

Arising Out of PS. Case No.-12 Year-2023 Thana- MAHILA PS District- East Champaran

Raju Kumar Singh Son of Late Umeshwar Singh R/O Village- Chintamanpur,  
P.S,-Pipra, District-East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rimi Kumari D/O Rajeshwar Sah R/O Vill.- Abhar Seikh Turha Patti, P.S.-  
Manjhauliya, Dist.- West Champaran, Bettiah.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.  
For the State : Mr. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

4      31-07-2025                      The instant criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, challenges an order passed by the learned 7<sup>th</sup> Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari , Bihar, upon an application filed by the petitioner claiming himself to be a juvenile below 16 years of age on the date of commission of offence.

2. The learned Special Judge under POCSO Act consider the provision of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and held that for the purpose of determination of age of a C.I.C.L., date of birth certificate from the School, or the Matriculation or equivalent



certificate from the concerned Examination Board, if available, shall be taken into consideration and in the absence thereof birth certificate given by the Corporation or Municipal Authority or a Panchayat may be considered and in the absence of the said two documents age of the C.I.C.L. may be determined by way of medical test for determination of age.

3. Since, the petitioner failed to produce any such documents before the learned Special Judge under the POCSO Act, the Court held the age of the accused to be 20 years as stated in the charge-sheet.

4. The petitioner has challenged the said order under the provision of Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

5. At the outset, this Court likes to record that the instant revision is not maintainable because of the fact that the order was passed by the learned Special Judge under the POCSO Act. The order was not passed by the Children's Court under the provision of the said Act of 2015. Had it been an order passed by the Children Court, Juvenile Justice (Care and Protection of Children) Act, 2015, would have been resorted too and the said order would have been challenged. However, the impugned order did not determine the age of the petitioner.



6. On the other hand, the impugned order states that if the accused claims to be a C.I.C.L. on the date of commission of offence, he ought to have file an application under Section 94 of the said Act along with the relevant documents before the concerned Juvenile Justice Board.

7. Since, no document with regard to age of the petitioner has been filed and the learned Special Judge, POCSO does not have any power to make any enquiry under Section 94 of the said Act, I do not find the order revisable under Section 102 of the said Act.

8. In support of my observation, the very recent decision of the Hon'ble Supreme Court in *Thirumoorthy Vrs. State Represented by the Inspector of Police, reported in 2024 SCC OnLine SC 375* may be relied on.

9. In view of above discussion, the instant criminal revision is dismissed being not maintainable.

(Bibek Chaudhuri, J)

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