2026:GAU-AS:15977

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1459/2026

SHRI GAURANGA PATRA
S/O SHRI RUDRA PATRA, BEING A MINOR IS REPRESENTED BY HIS FATHER SHRI RUDRA PATRA, S/O LT. SUKUMONI, PATRA, JAMIRAH PATRA GAON, P.S. BARBARUAH, DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

2:S I RITURAJ DAS
INVESTIGATING OFFICER
PRESENTLY RESIDENT OF O C BARBARUAH P S BARBARUAH DIBRUGARH ASSAM AND PERMANENT RESIDENT OF BONGAON NEAR IIT COLLEGE P S KAMALABARI (MAJULI) DISTRICT MAJUL

Advocate for the Petitioner : MR. P BORA, MS K BHATTACHARYYA,A R PAL

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

02.11.2026

Heard Mr. P. Bora, learned Senior Counsel, assisted by Ms. K. Bhattacharyaa, learned counsel for the petitioner and Mr. P.

Barthakur, learned Additional Public Prosecutor for the State respondent.

2. In this petition under Section 528 of the BNSS 2023, the petitioner, namely, Shri Gauranga Patra, has prayed for quashing of the impugned judgment and order, dated 31.08.2026, passed by the Ld. Court of the Additional District & Sessions Judge (FTC), Dibrugarh (herein after revisional Court), in Criminal Revision No. 49/2025, under Sections 438/439/440 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is to be noted here that vide impugned Judgment and Order the learned revisional Court had allowed the revision preferred against the order, dated 27.08.2025, passed by the learned Juvenile Justice Board, (herein after JJB) Dibrugarh and directed the Board to conduct a fresh enquiry for determination of the age of the petitioner/CCL "G" in connection with Barbaruah P.S. Case No. 64/2025, registered under Sections 103(1)/309(2) of the Bharatiya Nyaya Sanhita, 2023.

3. It is also to be noted here that vide Order dated 27.08.2025, passed by the learned JJB, Dibrugarh in Barbaruah P.S. Case No. 64/2025, the petitioner herein was declared to be a child in conflict with law(CCL).

4. Mr. Bora, learned counsel for the petitioner submits that the learned revisional Court has no jurisdiction to entertain the revision against the order of the JJB, Dibrugarh as against such order only

appeal lies in the Children Court under Section 101 of the Juvenile Justice(Care and Protection of Children) Act, 2015.

4.1. Mr. Bora also submits that the petitioner herein is an accused in Barbaruah P.S. Case No. 64/2025, registered under Sections 103(1)/309(2) of the Bharatiya Nyaya Sanhita, 2023. The Respondent No. 2 herein, had preferred a petition dated 08.08.2025, before the learned Principal Magistrate, Juvenile Justice Board, seeking a declaration that the CCL "G" be treated as a major, on the ground that he was born on 29.05.2006, in the name of **'X'**, (name withheld) and subsequently, changed his name to CCL "G" (name withheld). The plea of the respondent No. 2 was based on the alleged oral and documentary evidence, including the seized certificates, the statement/version of the Gaon Pradhan of Jamira Patra Gaon, the Mother and Child Protection Card issued by the Community Health Office, Motok Sub-Centre (presently known as Ayushman Arogy Mandir), and the Japanese Encephalitis Vaccination Card dated 16.11.2010, which purportedly showed the age of CCL **'G'** to be 5 years, as on the said date and, consequently, that he was a major on the date of occurrence.

4.2. Thereafter, an enquiry was conducted pursuant to the prayer of respondent No. 2, wherein 10 witnesses were examined, and upon consideration of the materials on record, the CCL was

declared to be a 'child' in conflict with law, vide order, dated 27.08.2025, passed by the JJB, Dibrugarh.

4.3. Mr. Bora also submits that then being aggrieved by the judgment and order dated 27.08.2025, passed by the learned JJB, Dibrugarh, the respondent No.2 herein had preferred a revision before the learned revisional Court, Dibrugarh being Criminal Revision No. 49/2025, under sections 438/439/440 of the Bharatiya Nyaya Suraksha Sanhita, 2023 and then the learned revisional Court, Dibrugarh vide judgment and order, dated 31.08.2025, in an arbitrary manner while allowing the revision petition set aside the judgment and order dated 27.08.2025, passed by the learned JJB, Dibrugarh, with a direction to the learned JJB, Dibrugarh to conduct fresh enquiry to determine the age of the CCL "G" as per the provisions of law.

4.4. Then being aggrieved by the impugned judgment and order of the learned revisional Court Dibrugarh, in Crimimal Revision No. 49/2025, under sections 438/439/440 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has preferred the present petition on following grounds:-

A. The Ld. Court below, erred in entertaining Criminal Revision No. 49/2025, against the order, dated 27.08.2025, passed by the learned Juvenile Justice

Board, Dibrugarh, when the Juvenile Justice (Care and Protection of Children) Act, 2015 (herein after the Act of 2015) provides a specific statutory remedy of appeal under Section 101 against an order of the Board. The respondent No. 2, being aggrieved by the order dated 27.08.2025, ought to have availed the statutory remedy of appeal, before the competent Children's Court, under Section 101 of the Act, 2015 which provides the statutory appellate remedy against an order of the Board. Section 102 of the Act of 2015 specifically confers revisional jurisdiction upon the High Court in respect of orders passed by the Committee, Board, Children's Court or Court. The learned revisional Court, therefore, ought to have first examined the issue of maintainability of the revision petition in view of the specific appellate remedy provided under Section 101 of the Act and as such, the impugned judgment and order dated 31.08.2026, is liable to be set aside and quashed.

B. The learned revisional Court, having itself found serious discrepancies and infirmities in Ext. C-11, ought to have examined the entire evidentiary record as appreciated by the learned JJB, rather than mechanically concluding that the Matriculation

certificates (Ext. C6 and C7) stood wholly discredited merely because the date of birth recorded therein corresponded with Ext. C-11, which is a birth certificate.

C. The learned revisional Court erred in treating the alleged infirmity in Ext. C-11, as automatically rendering every subsequent document containing the same date of birth devoid of evidentiary value, without independently examining the circumstances in which the entries in the school records and matriculation records came to be made and the evidence of the concerned school authorities.

D. The learned revisional Court erred in law in treating the existence of entries in the MCP Card and vaccination card as indicative of the correctness of the underlying facts without first establishing the source, authorship, basis and reliability of such entries. The mere existence of an entry in a public document cannot, by itself, conclusively establish the truth of the fact recorded therein.

E. The learned revisional Court has erred law in according undue evidentiary significance to the Mother and Child Protection Card and the Japanese Encephalitis Vaccination Card merely on the ground that the same emanated from public records, without examining the

source of the information recorded therein, the circumstances in which the entries were made, and whether the person furnishing such information had personal knowledge of the date of birth and identity of the child.

F. The learned revisional Court has erred in considering the documents relied upon by respondent No. 2 for asserting that CCL "G" was born in 2006, were themselves subject to evidentiary scrutiny and did not, either individually or collectively, conclusively establish that CCL 'X' and 'G' were one and the same person mentioned in the said document.

G. The learned revisional Court, while exercising revisional jurisdiction, effectively undertook a re-appreciation of the evidence and substituted its own assessment for that of the statutory JJB without demonstrating that the findings of the Board suffered from perversity, or material manifest illegality, jurisdictional error irregularity, warranting interference.

H. The learned revisional Court, having interfered with the order dated 27.08.2025, has failed to record any cogent reason as to why a fresh enquiry was necessary, particularly, when the learned JJB had already conducted an enquiry, examined 10 witnesses and considered the relevant documentary evidence

and as such, the impugned judgment and order dated 31.08.2026, is liable to be set aside and quashed.

4.5. Under the given facts and circumstances Mr. Bora has contended to set aside the impugned judgment and order of the learned revisional Court.

5. Notably, during the course of hearing, a query was put to Mr. Bora, learned counsel for the petitioner, as to whether the petitioner had raised any objection regarding the non maintainability of the revision petition before the learned revisional Court. Then Mr. Bora replied that verbally it was opposed, but no written objection was filed and that there is no record of such oral objection.

6. Per contra, Mr. Borthakur, learned Addl. P. P., has opposed this petition on the ground that even though appeal under Section 101 of the Act, 2015 is maintainable, yet, the petitioner herein had not raised any objection before the learned Court below and had participated in the same and when the result becomes unfavorable to him, then he raised the issue of jurisdiction and as such he is guilty of waiver and acquiescence. He further submits that on merit also the impugned judgment order suffers from no infirmity as the learned JJB, Dibrugarh, while determining the age of CCL, the petitioner herein had rejected the Ext.C-11, which is a Birth

Certificate and based upon the same Matriculation Certificate Ext.C-6 and C-7 were issued and the dated in all the certificates are same. And as such there is no merit in this petition and therefore, he has contended to dismiss the petition.

7. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also perused the impugned judgment and order, dated 31.08.2026, passed by the learned revisional Court, in Criminal Revision No. 49/2025, under Sections 438/439/440 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and also gone through the order, dated 27.08.2025, passed by the learned JJB, Dibrugarh. Also gone through the relevant provision of law.

8. Admittedly, there is no record of raising any objection regarding maintainability of the revision before the learned revisional Court. Though Mr. Borah submits that the issue was raised verbally, yet in absence of any supporting material, his submission left this Court unimpressed.

9. It is to be noted here that Section 101 of the Act of 2015, provides a specific appellate remedy against orders of the JJB. And as such a revision under the Code/BNSS (or the residual powers of the Sessions Court) is not the primary or preferred remedy when a

statutory appeal is available. Courts ordinarily insist on the party exhausting the correct statutory remedy.

9.1. But, when a party appears and contests the revision on merits before the learned revisional Court and raises no objection to the maintainability of the revision, i.e., does not contend that only an appeal under Section 101 JJ Act lies, and actively participates in the proceedings, that party is taken to have **waived** the objection as to the forum/maintainability and to have **acquiesced** in the exercise of revisional jurisdiction.

9.2. It is a well-settled principle of procedural law that objections regarding the *maintainability* of a proceeding, which is distinct from pure jurisdictional defects, that go to the root and cannot be waived, must be raised at the earliest opportunity. A party, who takes a chance of a favourable decision on merits and, only after an adverse order, turns around to challenge the very maintainability of the proceeding is ordinarily estopped by the doctrines of waiver and acquiescence.

9.3. It is also well settled that such conduct disentitles the party from raising the pure legal objection, for the first time, in a petition under Section 528 BNSS or in a writ petition.

9.4. However, the bar of waiver/acquiescence is not absolute. It may not operate if the defect is one of inherent lack of jurisdiction

that cannot be conferred by consent or waiver. But, this not the case here, as because the Sessions Courts do possess revisional jurisdiction under the BNSS. The question is only of the *correctness* of the remedy chosen, when a statutory appeal exists.

9.5. But, in the ordinary course, once a party has participated without demur and taken the risk of an adverse decision, the Courts will not permit him to resile from that position, merely because the result is unfavourable.

9.6. While dealing with this issue in **Harshad Chiman Lal Modi vs. DLF Universal Ltd.,** reported in **(2005) 7 SCC 791,** Hon'ble Supreme Court has held as under:

> **"30. We are unable to uphold the contention. The jurisdiction of a court may be classified into several categories. The important categories are (*i*) territorial or local jurisdiction; (*ii*) pecuniary jurisdiction; and (*iii*) jurisdiction over the subject-matter. <u>So far as territorial and pecuniary jurisdictions are concerned, objection to such jurisdiction has to be taken at the earliest possible opportunity and in any case at or before settlement of issues.</u> The law is well settled on the point that if such objection is not taken at the earliest, it cannot be allowed to be taken at a subsequent stage. Jurisdiction as to subject-matter, however, is totally**

distinct and stands on a different footing. Where a court has no jurisdiction over the subject-matter of the suit by reason of any limitation imposed by statute, charter or commission, it cannot take up the cause or matter. An order passed by a court having no jurisdiction is a nullity."

31. In *Halsbury's Laws of England*, (4th Edn.), Reissue, Vol. 10, para 317, it is stated:-

> ***"317. Consent and waiver.***—**Where, by reason of any limitation imposed by a statute, charter or commission, a court is without jurisdiction to entertain any particular claim or matter, neither the acquiescence nor the express consent of the parties can confer jurisdiction upon the court, nor can consent give a court jurisdiction if a condition which goes to the root of the jurisdiction has not been performed or fulfilled. Where the court has jurisdiction over the particular subject-matter of the claim or the particular parties and the only objection is whether, in the circumstances of the case, the court ought to exercise jurisdiction, the parties may agree to give jurisdiction in their particular case; or a defendant by entering an appearance without protest, or by taking steps in the proceedings, may**

waive his right to object to the court taking cognizance of the proceedings. No appearance or answer, however, can give jurisdiction to a limited court, nor can a private individual impose on a judge the jurisdiction or duty to adjudicate on a matter. A statute limiting the jurisdiction of a court may contain provisions enabling the parties to extend the jurisdiction by consent."

9.7. Again in the case of **Arun Kumar v. Union of India,** reported in **(2007) 1 SCC 732,** Hon'ble Supreme Court has held as under:-

"74. A "jurisdictional fact" is a fact which must exist before a court, tribunal or an authority assumes jurisdiction over a particular matter. A jurisdictional fact is one on existence or non-existence of which depends jurisdiction of a court, a tribunal or an authority. It is the fact upon which an administrative agency's power to act depends. If the jurisdictional fact does not exist, the court, authority or officer cannot act. If a court or authority wrongly assumes the existence of such fact, the order can be questioned by a writ of *certiorari*. The underlying principle is that by erroneously assuming existence of such jurisdictional fact, no authority can confer upon itself

jurisdiction which it otherwise does not possess.

75. In *Halsbury's Laws of England*, it has been stated:

> **"Where the jurisdiction of a tribunal is dependent on the existence of a particular state of affairs, that state of affairs may be described as preliminary to, or collateral to the merits of, the issue. If, at the inception of an inquiry by an inferior tribunal, a challenge is made to its jurisdiction, the tribunal has to make up its mind whether to act or not and can give a ruling on the preliminary or collateral issue; but that ruling is not conclusive."**

76. The existence of jurisdictional fact is thus *sine qua non* or condition precedent for the exercise of power by a court of limited jurisdiction.

……

……

79. In *State of M.P.* v. *D.K. Jadav* [(1968) 2 SCR 823 : AIR 1968 SC 1186] the relevant statute abolished all *jagirs* including lands, forests, trees, tanks, wells, etc., and vested them in the State. It, however, stated that all tanks, wells and buildings on *occupied land* were excluded from the provisions of the

statute. This Court held that the question whether the tanks, wells, etc., were on "occupied land" or on "unoccupied land" was a jurisdictional fact and on ascertainment of that fact, the jurisdiction of the authority would depend.

…….

……..

84. From the above decisions, it is clear that existence of "jurisdictional fact" is *sine qua non* for the exercise of power. If the jurisdictional fact exists, the authority can proceed with the case and take an appropriate decision in accordance with law. Once the authority has jurisdiction in the matter on existence of "jurisdictional fact", it can decide the "fact in issue" or "adjudicatory fact". A wrong decision on "fact in issue" or on "adjudicatory fact" would not make the decision of the authority without jurisdiction or vulnerable provided essential or fundamental fact as to existence of jurisdiction is present."

9.8. Reference in this context can also be made to some overseas decisions. In the case of **Golden Endurance Shipping SA v RMA Watanya SA [2016] EWHC 2110 at para. 28, Phillips J3 (MANU/UKCM/0064/2016),** the England and Wales High Court (Commercial Court) has described the theoretical basis for such a submission as being that:-

> **"a party, who voluntarily appears or participates in proceedings is considered by the common law, to have accepted an offer from the opposing party, who commenced the proceedings to accept the jurisdiction and be bound by its judgment. The touchstone of submission on this basis is therefore consent, although the question of whether consent has been given is to be judged objectively."**

9.9. In the case of **Williams & Glyn's Bank Plc. v. Astro Dinamico Compania Naviera S.A. [1984] 1 W.L.R. 438 (MANU/UKHL/22018/1984),** the House of Lords described the test for implying such consent as being:

> **"in order to establish a waiver, you must show that the party alleged to have waived his objection has taken some step which is only necessary or only useful if the objection has been actually waived, or if the objection has never been entertained at all."**

9.10. Adverting to the facts herein this case, this Court finds that there is no quarrel at the Bar that the learned Addl. Sessions Judge do possess the power of revisional jurisdiction. The respondent No.2 had filed the revision petition challenging the order of the learned JJB, Dibrugarh. The petitioner had participated and also contests the said revision petition without any objection. And he

raised the issue of jurisdiction before this Court, when the outcome of the revision petition becomes unfavourable to him. Such conduct disentitles him from raising the pure legal objection for the first time in a petition under Section 528 BNSS. He did not raise objection at the earliest opportunity before the learned revisional Court.

9.11. And application of the proposition of law, as discussed in the foregoing para, would clearly indicates that a party, who takes a chance of a favourable decision on merits and, only after an adverse order, turns around to challenge the very maintainability of the proceeding, is ordinarily estopped by the doctrines of waiver and acquiescence.

10. Moving forward to the issue of correctness or otherwise of the impugned Judgment and Order of the learned revisional Court, this Court finds that the learned revisional Court has held as under:-

> **12. As per section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015, whenever the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Board, shall undertake the process of age determination, by seeking evidence by obtaining,**
>
> **(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the**

concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Board.

13. As per Rule 12 of the Juvenile Justice (Care And Protection Of Children) Rules, 2007 in every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the Court or the Board or, as the case may be, the Committee by seeking evidence by obtaining,

(i) the matriculation or equivalent certificates, if available and in the absence whereof

(ii) the date of birth certificate from the school (other than a play school) first attended and in the absence whereof

(iii) the birth certificate given by a corporation or a municipal authority or a panchayat and

only in the absence of either (i), (ii) or (iii) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child.

14. Section 94(2) of the JJ Act provides for the mode of determination of age. In the order of priorities, the date of birth certificate from the school stands at the highest pedestal whereas ossification test has been kept at the last rung to be considered, only in the absence of the criteria Nos. 1 and 2, i.e. in absence of both certificate from school and birth certificate issued by a Corporation/ Municipal Authority/Panchayat.

10.1. Thereafter, the learned revisional Court has held as under:-

15. In the present case, the Ld. Principal Magistrate in his order dated 27.08.25 has observed that the birth certificate of the CCL "G" (Ext. C11) is a questionable document and hence, the same can't be relied upon to determine the age of the CCL. "G". But, at the same time the Ld. Principal Magistrate has declared the CCL "G" as Juvenile in conflict with law based on his Matriculation certificate (Ext. C-6 & C-7) which reflects the same date of birth as mentioned in his birth certificate (Ext. C-11). It is an admissible fact that the birth certificate (Ext. C-11) of the CCL "G" reflects the date of birth as 06.06.2008 issued for the second

time on 11.12.2015 with Registration no. 765/30/12/07 and Date of Registration as 30.12.07 which is about 6 months prior to the birth of the CCL "G". The Ext. C-11 was issued by the Registrar, Birth & Death, Barbaruah PHC and the CW-4, the present Registrar, Birth & Death, Barbaruah PHC has deposed that she verified the Birth Register of Barbaruah PHC for the year 2004-05, containing birth details of the persons starting from (F.T. (08.01.2004 to 24.12.2009, for the year 2006-07 containing birth details of the persons starting from 02.01.2006 to 19.09.2007 and Birth Register of the year 2015 starting from 02.11.2015 to 29.12.2015 and found no entry of registration of birth of any person on 30.12.2007, as the said date was Sunday. The next entry in the said register was made on 03.01.2008. The CW-4 has further deposed that no birth certificate was issued by the Registrar, Birth & Death, Barbaruah PHC on 11.12.2015 and on 30.12.2007. As per the deposition of CW-3, Head Mistress, Jatiya Vidyalaya, Jamirah Sinhinga Tikira, Barbaruah, Dibrugarh, the Matriculation certificate i.e. Ext. C-6 HSLC pass certificate and Ext. C-7 HSLC Admit Card issued in the favour of the CCL "G" is based upon the birth certificate of the CCL "G" (Ext. C-11) submitted at the time of his admission in class IX in their school. The CW-7, the Principal, Montford School has deposed that the CCL "G" took admission in class II at Montford School, Chabua, Dibrugarh on

06.01.2016 and his date of birth mentioned in the admission register of their school is 06.06.2008. On careful perusal of the document it is found that the admission of the CCL "G" in Montford School was made after issuance of the Ext. C-11 and therefore, his date of birth was mentioned as reflected in his birth certificate i.e. Ext. C-11.

It is pertinent to mention here that Montford School is not the first attended school of the CCL "G". The CW-5 & CW-6, the parents of the CCL "G" have deposed that they had one more child whose name was Biswajit Patra, born on 06.06.2006, and died after (F-6-7 months from his birth at home. But to substantiate their claim, the respondent side has not produced any document either birth or death or vaccination card, if any, of Biswajit Patra. They also failed to place any justified reason as to why their names have been mentioned as the parents of Gayananda Patra born on 06.06.2006 in the Birth Register of Barbaruah PHC and why the CCL "G" was shown as 5 years old on 16.11.2010 in Ext. C3. The petitioner has claimed that the CCL "G" (Gauranga Patra), Gayananda Patra and Biswajit Patra is the same and one person and only son of the CW-5 & CW-6. The petitioner's claim is supported by the CW-1, the Gaonburah of the village who is familiar to the CW-5 & CW-6 since his childhood. The CW-5 & CW-6 have stated that the CCL "G" born at Jamirah Tea

Garden Hospital, but they have failed to submit any document in support of it. It is observed by the Principal Magistrate that the Mother and Child protection (MCP) Card seized from the Community Health Officer (CHO), Motock Sub-Centre (presently Ayushman Arogya Mandir) and a Japanese Encephalitis Vaccination card dated 16.11.2010, which contains the name CCL G Patra aged 5 years at that time are not qualifies as considerable document as per Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015. But in the case in hand, these documents are the public documents issued from public record and therefore it cannot be straightway ruled out when deciding the fact in issue as a corroborative evidence in this case. Moreover, the Japanese Encephalitis Vaccination card (Ext. C-3) containing the name of the CCL Gauranga Patra s/o Rudra Patra aged 5 years on the date of vaccination i.e. on 16.11.2010 and Mother and Child protection (MCP) Card (Ext. C-1) containing the name of Biswajit Patra with date of birth 29.05.06 and CW5 & CW6 as his parents must have some footings as regard to the birth of CCL "G" to which the respondent side has failed to deny.

Overall, though the Ld. Principal Magistrate has observed that the birth certificate (Ext. C11) is not genuine and doubtful but he erred in appreciating the fact that the Matriculation certificates (Ext. C-6

& C-7), upon which he hold the CCL. "G" as Juvenile in conflict with law is based on the birth certificate (Ext. C-11) of the CCL "G" and hence not acceptable."

10.2. Thereafter, the learned revisional court has held that the impugned order, dated 27.08.2025, passed by the learned JJB, Dibrugarh, in Barbaruah P.S. Case No. 64 of 2025, suffers from incorrectness and impropriety. And thereafter, set aside the impugned order of JJB, Dibrugarh, dated 27.08.2025. Further, it had directed the learned JJB, Dibrugarh to conduct a fresh enquiry to determine the age of the CCL "G" as per the provisions of law.

11. The finding of the learned revisional Court, when examined in the light of the relevant provision of Act and Rules, this Court finds that the same suffers from no infirmity or illegality requiring any interference of this Court for the simple reason that the JJB, Dibrugarh, in the order dated 27.08.25, had observed that the birth certificate of the CCL "G" (Ext. C11) is a questionable document. And hence, the same can't be relied upon to determine the age of the CCL. "G".

11.1. But, at the same time the learned has declared the CCL "G" as Juvenile in conflict with law, based on his Matriculation certificate (Ext. C-6 & C-7) which reflects the same date of birth as mentioned in his birth certificate (Ext. C-11) and as per evidence of CW-3, Head Mistress, Jatiya Vidyalaya, Jamirah Sinhinga Tikira,

Barbaruah, Dibrugarh, the Matriculation certificate i.e. Ext. C-6 - HSLC pass certificate and Ext. C-7 HSLC Admit Card were issued in the favour of the CCL "G" is based upon the birth certificate of the CCL "G" (Ext. C-11) submitted at the time of his admission in class IX in their school.

11.2. Further, CW-7, the Principal, Montford School had deposed that the CCL "G" took admission in class II at Montford School, Chabua, Dibrugarh on 06.01.2016, and his date of birth, mentioned in the admission register of their school is 06.06.2008. And the admission of the CCL "G" in Montford School was made after issuance of the Ext. C-11 and therefore, his date of birth was mentioned, as reflected in his birth certificate i.e. Ext. C-11.

12. The learned counsel for the petitioner has failed to demonstrate before this Court as to how the finding so recorded by the learned revisional Court is illegal or improper. If Ext. C-11, as per own assessment of the JJB, Dibrugarh, is a questionable document then Ext.C-6 and C-7, where the date of birth is incorporated on the basis of the date of birth mentioned in the Ext.C-11, as is evident from the evidence of CW-3, Head Mistress, Jatiya Vidyalaya, Jamirah Sinhinga Tikira, Barbaruah, Dibrugarh and also from the evidence of CW-7, the Principal, Montford School Chabua, Dibrugarh, where the CCL-'G' took admission and pursued studies, cannot be relied upon. It is a simple logic. If the basis i.e.

Ext.C-11, itself is unreliable then by no stretch of imagination it can be held that Ext-C-6- and C-7, where the dated of birth is incorporated on the basis of Ext.C-11, also cannot be relied upon.

13. In the result, this Court finds the impugned judgment and order, dated 31.08.2026, passed by the learned revisional Court, in Criminal Revision No. 49/2025, under Sections 438/439/440 of the Bharatiya Nagarik Suraksha Sanhita, 2023 interfering with the order, dated 27.08.2025 passed by the learned Juvenile Justice Board, Dibrugarh and directing the Board to conduct a fresh enquiry for determination of the age of the petitioner/CCL "G" in connection with Barbaruah P.S. Case No. 64/2025, registered under Sections 103(1)/309(2) of the Bharatiya Nyaya Sanhita, 2023, suffers from no illegality or impropriety requiring any interference of this Court.

14. Accordingly, the same stands dismissed, at this motion stage itself, leaving the parties to bear their own costs.

J U D G E

Comparing Assistant