

09.06.2026  
Sl. No.64  
Ct. No.237  
S.A.

**CRR 2089 of 2026**

**Pappu Ansari**  
**- vs -**  
**The State of West Bengal**

Mr. Chandra Sekhar Jha  
Mr. Aditya Kumar  
Mr. Hritik Pandit  
Mr. Yash Jalan

...for the petitioner

The petitioner challenges the order dated February 16, 2023, passed by the Learned Additional District and Sessions Judge, Fast Track First Court at Barrackpore, affirming the order dated November 17, 2022, passed by the Learned Additional Chief Judicial Magistrate, Barrackpore, whereby the petitioner's prayer for conducting an ossification test of the accused, namely Pappu Ansari, was rejected.

It appears that Basudevpur Police Station Case No. 175 of 2022, dated October 6, 2022, was registered against the petitioner and certain other accused persons under Sections 302, 201 and 34 of the Indian Penal Code, 1860.

Upon completion of the investigation, the investigating agency submitted a charge sheet against the petitioner and the other accused persons under Sections 302, 201, 120B, 34, 379 and 411 of the Indian Penal Code, 1860, before the Learned Additional Chief Judicial Magistrate, Barrackpore.

The petitioner claimed to be a juvenile and produced a birth certificate and other documents in support of his claim. The Learned Magistrate directed the investigating agency to verify the authenticity of the birth certificate and Aadhaar Card produced by the petitioner.

Upon verification, the Aadhaar Card was found to be genuine; however, the birth certificate was found to be forged. The investigating agency further reported that no such birth certificate had been issued by the concerned Gram Panchayat, as claimed by the petitioner.

In view of the above findings, the Learned Magistrate declined to accept the petitioner's claim of juvenility. Thereafter, the petitioner filed an application seeking an ossification test, which was rejected by the Learned Magistrate by order dated November 17, 2022.

As noted above, the said order was unsuccessfully challenged by the petitioner in revision before the Learned Additional District and Sessions Judge, Fast Track First Court at Barrackpore. I find no reason to interfere with the order passed by the learned revisional court.

Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015, reads as follows:

***“94. Presumption and determination of age – (1)***

*Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.*

*(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, 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 Committee or the Board:*

*Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.*

*(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.”*

It is, therefore, clear that, only in the absence of a valid date-of-birth certificate, the age of a person may be determined by conducting an ossification test or any other medical age-determination test.

In the present case, the petitioner produced a forged birth certificate before the Learned Magistrate in support of his claim of juvenility. The said certificate having been found to be forged, there remained no scope to allow the prayer for ossification test. The learned courts below rightly rejected the prayer for an ossification test.

In view of the aforesaid, **CRR 2089 of 2026** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

**(Kausik Chanda, J.)**