HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4092 of 2016

Babloo

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Bharat Garg, Dharmendra Singhal, Dharmendra Singhal(Senior Adv.), Rishika Raj Singhal, Shivendra Raj Singhal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE JAI KRISHNA UPADHYAY, J.

1. By means of this criminal revision, the revisionist - **Babloo** has assailed the impugned order dated 29.11.2016 passed by the Additional Sessions Judge, Court No.8 / Special Judge (Gangster Act), Saharanpur in S.S.T. No. 37 of 2007, arising out of case crime no. 246 of 2007, under Section 2/3 of U.P. Gangsters & Anti-Social Activities (Prevention) Act, P.S. Kotwali Dehat, District Saharanpur whereby the Court concerned has rejected the application filed by the revisionist to declare him juvenile.

2. Heard Shri Shivendra Raj Singhal, learned counsel for the revisionist and the learned AGA appearing for the State and perused the record.

3. Learned counsel for the revisionist has submitted that an application (79-Kha) supported by an affidavit along with High School Certificate of revisionist regarding his date of birth was filed before the Court concerned, according to which actual date of birth of revisionist was 15.10.1992 and the incident was of 25.3.2006, as such on the date of incident revisionist was juvenile but his evidence and school certificate was disbelieved on the flimsy and technical grounds, which is contrary to the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and various decisions of Hon'ble Apex Court. He further submits that in case Court concerned was not satisfied with the age certificate of revisionist and was having some doubts regarding that, he was expected to obtain medical examination report of the revisionist to determine his date of birth but instead of doing so the

application of revisionist, declaring him juvenile has been rejected. As such Court concerned has committed mistake due to which impugned judgment and order is not sustainable in the eyes of law and is liable to be set aside. It is lastly submitted that application claiming juvenality may be moved before any Court and it shall be recognized at any stage, even after final disposal of the case. In support of his submission, he has placed reliance upon a decision of the Apex Court in **Rahul Kumar Yadav vs. State of Bihar, 2024 SCC OnLine 723**.

4. Per contra, learned A.G.A. submits that as there were serious doubts in respect of school certificate submitted by the revisionist, therefore, the same was not believed by the court concerned and, as such impugned order is fully justified, legal and requires no interference. The revision is devoid of merit and is liable to be dismissed. However, he could not dispute the genuineness of the High School Certificate filed by the revisionist before the Court concerned.

5. I have considered the rival submissions made by the learned counsel for the parties and have through the entire record including the impugned order carefully.

6. It is true that an application (79-Kha) supported by an affidavit along with the High School Certificate was filed by the revisionist before the Court concerned regarding his date of birth, according to which the actual date of birth of the revisionist was 15.10.1992 and the incident is of 25.3.2006, but from a perusal of the record, it reveals that the Court concerned has failed to appreciate the same in its right perspective. In **Ashwani Kumar Saxena v. State of M.P. (2012) 9 SCC 750** and **Rajni v. State of U.P. 2025 SCC OnLine SC 1183**, the Hon'ble Supreme Court has firmly established that age determination inquiries must primarily rely upon matriculation or equivalent certificates as primary and conclusive proof. The Apex Court emphasized that courts must not entertain unwarranted doubts or conduct detailed, roving probes over school certificates when they are made available, and that secondary methods like medical opinions can be resorted to in the absence of such foundational documentary records.

7. In the case of **Vinod Katara v. State of U.P. (2023) 15 SCC 210** relying upon **Ashwani Kumar Saxena case** (supra), the Hon'ble Supreme Court held that in deciding whether an accused is a juvenile or not, a hyper-

technical approach should not be adopted. While appreciating the evidence adduced in support of the plea of juvenility, if two views are possible on the same evidence, the Court should lean in favour of holding the accused to be a juvenile in borderline cases. The Apex Court further observed that the inquiry contemplated under the Juvenile Justice framework is not a roving inquiry, nor should courts express unwarranted doubts over certificates produced to conduct detailed probes unless clear evidence of fabrication or fraud is established.

8. In **Shah Nawaz Vs. State of Uttar Pradesh and another (2011) 13 SCC 75**, after considering effect of entries of date of birth, in marksheet, school leaving certificate, the Supreme Court said as follows :

"24. We are satisfied that the entry relating to date of birth entered in the mark-sheet is one of the valid proofs of evidence for determination of age of an accused person. The school leaving certificate is also a valid proof in determining the age of the accused person....."

9. In the light of the above discussion, in my view, the Court concerned has committed an error in rejecting the application moved by the revisionist. Thus, the revision is **allowed**. The order impugned passed by the Court concerned is hereby set aside and the matter is remanded back to the Court concerned for fresh consideration after affording opportunity of hearing and adducing effective evidence to the parties. Such exercise may be undertaken at the earliest and in any case within a period of two months from the date of communication of this order.

October 24, 2026
safi

(Jai Krishna Upadhyay,J.)

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad