

**Chandan Kumar @ Chandan Paswan and ors. Vs. State of Bihar**

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**Court :** Patna

**Decided On :** Jan-13-2009

**Judge :** Samarendra Pratap Singh, J.

**Acts :** Code of Criminal Procedure (CrPC) - Sections 313

**Appeal No. :** Cr. Rev. No. 1559 of 2008

**Appellant :** Chandan Kumar @ Chandan Paswan and ors.

**Respondent :** State of Bihar

**Disposition :** Appeal dismissed

**Prior history :** Samarendra Pratap Singh, J. 1. Heard the learned Counsel for the parties. 2. The petitioners are aggrieved by the order dated 3.12.2008 passed by the learned Additional Sessions Judge, F.T.C. - V, Gaya, in Sessions Trial No. 227/06 by which the petition for declaring these petitioners to be juvenile has been rejected. 3. The learned Counsel for the petitioners submits that the learned trial court rejected the application as the same was filed at belated stage. He submits that the plea of juven

**Judgement :**

**Samarendra Pratap Singh, J.**

1. Heard the learned Counsel for the parties.

2. The petitioners are aggrieved by the order dated 3.12.2008 passed by the learned Additional Sessions Judge, F.T.C. - V, Gaya, in Sessions Trial No. 227/06 by which the petition for declaring these petitioners to be juvenile has been rejected.

3. The learned Counsel for the petitioners submits that the learned trial court rejected the application as the same was filed at belated stage. He submits that the plea of juvenile can be raised at any time. He further submits that the petitioners ought to have been medically examined.

4. The learned Counsel for the informant submits that the bail application of the petitioners had earlier been rejected on the ground that they are not juvenile. He further submits that the learned trial court took into account various circumstances while rejecting the application of the petitioners to declare them juvenile.

5. The petitioners have filed supplementary affidavit. In supplementary affidavit dated 5.1.2009 father of the petitioner No. 1 Chandan Kumar @ Chandan Paswan has sworn affidavit that his date of birth is 19.2.1999 and as such he is minor. The mother of the petitioner No. 2, Dharmraj Kumar @ Dharmraj Paswan similarly filed affidavit dated 5.1.2009 stating that his date of birth is 25.2.1992. The mother of petitioner No. 3, Pankaj Kumar @ Pankaj Paswan has similarly stated on oath that his date of birth is 15.1.1993. As such, vide Annexure- A series the parents of the petitioners have stated that on the date of occurrence their sons, petitioners herein, were minors.

6. Heard the learned Counsel for the parties and perused the records. The learned Sessions Judge in his detailed order observed that the age recorded at stage of 313 of Cr.P.C. would show that the petitioners were major at the time of occurrence. In course of the statement recorded under Section 313 of Cr.P.C., the petitioners themselves, Chandan Kumar @ Chandan Paswan stated that his age is 25 years and Pankaj Kumar @ Pankaj Paswan stated that he is of 24 years and Dharmraj Kumar @ Dharmraj Paswan stated that he is of 26 years. He has further observed in his order that the certificate produced by the petitioners do not seem to be genuine and furthermore these are not matriculation certificate. In view of the aforesaid circumstances learned Sessions Judge has rejected their prayer to

declare them juvenile.

7. As such I do not find any illegality in the impugned order and this revision application is, accordingly, dismissed.

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