

Hemal Mian Vs State of Jharkhand

Court: Jharkhand High Court

Date of Decision: March 21, 2003

Acts Referred: Juvenile Justice (Care and Protection of Children) Act, 2000 â€” Section 2(4)

Citation: (2004) CriLJ 1503

Hon'ble Judges: D.N. Prasad, J

Bench: Single Bench

Advocate: Rajeeva Sharma, for the Appellant; Additional Public Prosecutor, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

D.N. Prasad, J.

The learned counsel for the petitioner submitted that the he been falsely implicated in the case and he is a juvenile and the

learned Court below did not consider the case of the petitioner though the petitioner is a juvenile and his date of birth is 15-11-1988.

2. From going through the record it is apparent that the petitioner has never been declared as juvenile by the competent Court as yet presuming

himself to be a juvenile, the petitioner filed appeal against the rejection order of the bail dated 17-7-2002 and against the order of appeal, the

revision application has been preferred under the Juvenile Justice Act, but surprisingly enough, the petitioner has not yet been held to be a minor by

the competent Court.

3. In this view of the matter, I am disposing of this application with direction to the Court concerned/competent Court to pas a fresh order on the

point of juvenile in connection with Shikaripara P.S. Case No. 20 of 2002 corresponding to G.R. No. 341 of 2002, pending in the Court of the

Chief Judicial Magistrate, Dumka after hearing both sides.

Let this matter be sent back to the Court concerned for determination of the age of the petitioner.