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# (2003) 03 JH CK 0024

## **Jharkhand High Court**

Case No: Criminal Revision No. 655 of 2002

Hemal Mian APPELLANT

Vs

State of Jharkhand RESPONDENT

Date of Decision: March 21, 2003

**Acts Referred:** 

• Juvenile Justice (Care and Protection of Children) Act, 2000 - 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 b petitioner.	e sent back to	the Court co	ncerned for de	etermination of	the age of the