

XVII

Date of Order of proceeding	Order with signature of court	Office notice taken with date
1	2	3
13.10.2022	<u>In the Court of Khalid Rasheed Ali Ahmed, J.M. 1st</u> <u>Class, Ramgarh</u> <u>Basal P.S Case No.09/2022</u> <u>CNR No.JHRG030033602022</u> Case record put up before me for order on the application filed u/s 14 of Juvenile Justice Act, 2015 on behalf of Abhishek Kumar @ Abhishek Singh @ Tolu vide M.C.A. No.1782/22 dated 11.10.2022. Copy of the same has already been served to the learned A.P.P for the State. Heard learned counsel for the petitioner as well as learned A.P.P. for the State. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been remanded from Patratu P.S. Case no.87/22 on 16.06.2022 and since then he is in judicial custody. Petitioner was juvenile on the alleged date and time of occurrence. As per birth certificate, issued from Gram Panchayat, Patluka, Prakhand Barachatti, Gaya, his date of birth is 01.01.2006. Therefore, prayed to pass an order regarding declaration of juvenile to the petitioner. On the other hand, learned A.P.P. conceded to the submission made by the learned counsel of the petitioner. Perused the case record. It appears that petitioner has filed birth certificate, issued by Department of Planning and Development, Gram Panchayat, Patluka, Prakhand Barachatti, Gaya issued on 24.11.2020. Further from perusal of the case record, it manifests that the case has	

S.I No.	Date of Order of proceeding	Order with signature of court	Office taken date
1	2	3	
	<u>Contd.</u> <u>13.10.2022</u>	been registered u/ss 341/323/385/387/435/379 I.P.C., 27 Arms Act & 17 C.L.A. Act. On 18.07.2022 cognizance of the offence under the above mentioned sections has already been taken against the accused persons namely 1. Abhishek Karmali @ Karu 2. Rahul Munda 3. Raju Bhuiyan 4. Sunil Munda 5. Abhishek Kumar @ Abhishek Singh @ Tolu (present petitioner) & 6. Vicky Munda @ Bhagat. From perusal of F.I.R., it transpires that the petitioner's age has been written as 19 years but from perusal of the birth certificate, the age appears to be 01.01.2006. The date of offence according to F.I.R. is 12.05.2022. Therefore, age of the petitioner on the date of occurrence is found to be 16 years 04 months 11 days which is below 18 years of age as per the birth certificate filed by the petitioner. Considering the above facts and circumstances, this Court finds that the accused was juvenile on the date of occurrence as on 12.05.2022. Therefore, the petitioner / juvenile should be tried before the Juvenile Justice Board. Further relying on Section 9 of the Juvenile Justice Care & Protection of Children, 2015, the case record is hereby send to Juvenile Justice Board. Put up on 27.10.2022 for hearing. (Dictated) <i>David</i> (Khalid Rasheed Ali Ahmed) Judicial Magistrate 1st Class	