

In the Court of Judicial Magistrate (2nd Court)
Diamond Harbour, South 24 Parganas
Present: Sri UTTAM DAS, WBSJ (WB1219)

GR 2477/2020

Order dated 21/08/2023

Record is placed before me at the instances of Ld advocate for the accused.

Accused no 4 namely Maruk Molla surrendered before the Court.

From his physical appearance, it seems to the Court that the accused has not attained age of 21 years yet. Copy Addhar card submitted with the bail petition, reveals his date of birth as 10/10/2004.

On being asked, Ld advocayte for this boy submits that his father is also present today along with original birth certificate.

Ld Advocate produced the original birth certificate and copy thereof. An affidavit is filed by the father of this boy affirming that Faruk Molla and Maruk Molla are the same and identical person.

Perused the original birth certificate.

Heard the Ld APP who raised no objection regarding genuineness of the same. The Court also don't find anything suspicious about the documents.

From the above it transpires that Faruk Molla and Maruk Molla's (mentioned as accused no-4 in CS) date of birth is 10-10-2004.

Record reveals that the alleged incident occurred on 29-08-2020 and date of birth of Faruk Molla and Maruk Molla is on 10-10-2004. Therefore, there is no hesitation to hold that on the date of alleged incident, Faruk Molla and Maruk Molla has not attained age of majority ie., 18 years.

Therefore in view of section 9(1) of the J.J Act, the case in respect Faruk Molla and Maruk Molla is sent to the JJB, South 24 Parganas for further proceeding.

The custody of Faruk Molla and Maruk Molla is given to his father with a direction upon him to place the child before the JJB South 24 Parganas on 21/11/2023.

The HCC of Copying department Diamond Harbour Criminal Court is directed to prepare copy of the record.

Let the record be sent to the Copying department for compliance.

On preparation copy, BC-II is directed to send the second record to JJB immediately.

WP & A against this boy is hereby canceled and recalled.

Todate (30/11/2023).

Dict. & Corrected

JM 2nd Court DDH.

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