

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 177 of 2003

1. Yaswant Sao
2. Raghunath Sao @ Basuria
3. Baijnath Sao
4. Rajendra Sao
5. Sitaram Dangi

..... Appellants

Versus

The State of Jharkhand

..... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellants : Mr. P.P.N. Roy, Sr. Advocate.
Mr. P.A.N. Roy, Advocate.
For the State : Ms. Kumari Rashmi, A.P.P.

Order No. 08/Dated: 6th August, 2025

I.A. No. 6801/2025

1. The instant interlocutory application has been filed on behalf of appellant no. 3 namely, Baijnath Sao under Section 9(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 to carry out an enquiry regarding the determination of age of the appellant no. 3 on the date of occurrence.

2. Learned counsel while pressing the interlocutory application has submitted that the date of birth of the appellant no. 3, as mentioned in the School Leaving Certificate, is 16.03.1973 and the date of alleged occurrence was 08.12.1988. Therefore, the age of the appellant no. 3 was 15 years, 08 months and 22 days on the date of occurrence. As such, the appellant was juvenile on the date of occurrence i.e. below the age of 16 years. The appellant could not take

the plea of juvenility due to ignorance and lack of advice received from his Advocate.

3. It is further submitted that the case record was examined by the learned counsel for the appellant and it was found that the appellant was juvenile on the date of occurrence. Thereafter, appellant obtained School Leaving Certificate (Annexure-IA/1) and filed this application.

4. Learned counsel for the appellant has placed reliance on the reported judgment of the Hon'ble Apex Court (**Abdul Rajjaq Vs. State of U.P.; AIR 2015 SC 1770**) and submitted that the plea of juvenility can be taken at any stage of the case. Therefore, an enquiry, as envisaged under Section 9(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, may be directed to be conducted by the concerned Juvenile Justice Board and till receipt of the enquiry report, the hearing of the appeal may be kept in abeyance.

5. On the other hand, learned A.P.P., Ms. Rashmi Kumari has strongly opposed the prayer of appellant.

6. In view of the aforesaid facts and circumstances, we direct that the case of the appellant no. 3 namely, Baijnath Sao be sent to the Juvenile Justice Board, Chatra for conducting an enquiry under Section 9 (2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and after conclusion of the enquiry, to submit a report about the age assessment of the appellant no. 3 on the date of occurrence in

connection with Itkhor P.S. Case No. 91 of 1988 (S.T. No. 158 of 1989).

7. It is further directed that the learned Juvenile Justice Board shall take all such evidence, which will be adduced by the appellant no. 3 and also provide opportunity to the prosecution and submit its report within a period of six weeks from the date of receipt of this order.

8. Accordingly, I.A. No. 6801 of 2025 stands allowed.

9. List this matter immediately after receipt of the enquiry report under the heading "For Orders".

10. Let a copy of this order be sent to the Juvenile Justice Board, Chatra along with photocopy of trial court's record.

11. In the meantime, office is directed to get the depositions neatly typed.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

Sunil/