

20.03.2013

PRESENT : Md. D. Ullah, C.J.M., Jorhat.

Today is fixed for consideration of the matter on juvenility of accused Bapon Ghosh and Rabi Rajbanshi.

Both the aforesaid accused persons have claimed themselves as juvenile by submitting school certificate wherein they are shown as minors. In order to verify the genuineness of those certificates, learned Addl. C.J.M. Jorhat, vide order dated 18.03.2013 directed the school authorities/ Head Mistresses to appear before this Court along with the School Admission Register and the counter foils of the book of certificates. Accordingly, the school authorities have appeared.

The Head Mistress of Dulia Gaon, M.E. School has appeared and produced the original Admission Register and the book of certificate containing the counter foil of the certificate being Sl. No. 805 issued to accused Bapon Ghosh.

The Admission Register and the counter foil in the book of certificate reveal that the date of birth of Bapon Ghosh is 31.04.2001 and his date of admission in the said school was 27.01.2011. After perusal of the original documents, on being produced by the Head Mistress of the school, I do not find any reason to disbelieve the aforesaid document and it appears that accused Bapon Ghosh is a minor on the date of commission of the alleged offence, i.e. 15.03.2013 and as such, he is a juvenile-in-conflict with law.

Therefore, the Superintendent, Central Jail, Jorhat, is directed to produce accused Bapon Ghosh immediately before the Principal Magistrate, Juvenile Justice Board, Jorhat.

Prepare a supplementary record and send the same to the Principal Magistrate, Juvenile Justice Board, Jorhat.

A copy of this order be sent to the Supdt., Central Jail, Jorhat, for information and necessary action.

The photocopies of the Admission Register and the counter foil of the certificate book be kept in the case record.

In pursuance of the order dated 18.03.2013, the Head Mistress of St. Mary's School has appeared and produced the original Admission Register as well as the book of certificate.

In the Admission Register, the date of admission of accused Rabi Rajbanshi is shown as 29.12.1994 at Sl. No. 143 and his date of birth is shown as 10.07.94. However, above the No. 94, the number 96 is shown in bracket. There is no initial of any competent authority in support of the aforesaid change of date. After going through the counter foil of Sl. No. 196, it is seen that the date of birth is shown as 10.07.96 instead of original date of birth, i.e. 10.7.94 as shown in the Admission Register. On being asked, the Head Mistress of St. Mary's school has stated before this Court that the parents of the said accused stated that his date of birth was 10.07.1996 and so she had corrected the same.

It is surprising to note that the certificate under Sl. No. 101 was issued to one Prabir Kumar Prasad on 21.01.2012 and the instant certificate under Sl. No. 196 of the same book was issued to Rabi Rajbanshi and the date is shown as 10.12.2009. On being asked about this irregularity, the Head Mistress, St. Mary's School, has stated that in fact this certificate was issued in this month only and as the boy has left the school in the year 2009, so the date of issue is shown as 10.12.2009.

In view of the above situation, this Court cannot come to a conclusion, on the basis of the available evidence, that accused Rabi Rajbanshi is a juvenile. However, the Jail authority is directed to get accused Rabi Rajbanshi clinically examined (Occification test) to ascertain his present age. It appears that the school authority of St. Mary's School, Jorhat, has forged/ manipulated the date of birth of Rabi Rajbanshi in the original Admission Register in order to make it

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