

IN THE COURT OF THE SESSIONS JUDGE, JORHAT.

Present : **Mr. Abhijit Bhattacharyya,**
Sessions Judge, Jorhat.

Sessions Case No.103 of 2008

State of Assam
Vs
Sri Mintu Das.

03-05-2013

ORDER

Today the case is fixed for passing orders on the petition No. 698/1 filed by the accused Mintu Das for determination of his age.

According to the accused his date of birth is 02.02.1992 and on the date of occurrence, i.e., 31.3.2008, he was a juvenile, he being 16 years 1 month and 29 days old.

Section 7-A of the Juvenile Justice (Care and Protection of Children) Act, 2000, lays down the procedure to be followed when the claim of juvenility is raised before any court. The section provides that the Court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) so as to determine the age of such person, and shall record a finding whether the person is a juvenile or child or not, stating his age as nearly as may be.

Section 7(A)(2) lays down that if the court find a person to be a juvenile on the date of commission of offence, it shall forward to the Juvenile Justice Board for passing appropriate orders.

Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 lays down the procedure and sub rule (3) lays down that the age determination inquiry shall be conducted by the Court

or the Board by seeking evidence by obtaining – the Matriculation or equivalent certificate, if available, and in the absence whereof; the date of birth certificate from the School first attended, and in the absence whereof; the birth certificate given by a Corporation or a Municipal authority or a Panchayat.

In absence of the aforesaid certificate medical opinion of a duly constituted of a Medical Board can be obtained.

After the claim of juvenility was raised by the accused in the present case, my learned predecessor in office examined three court witnesses.

CW.1 is Smt. Runu Rajkumari who was the Headmistress of Karanga Gajpuria High School, Jorhat. During her deposition in court CW.1 has exhibited and proved the transfer certificate in original along with the admission register. As per the records of the School the date of birth of accused Sri Mintu Das was 02.02.1992.

The Court also examined Sri Purna Gogoi as CW.2. He also proved the School admission register wherein the date of birth of accused Sri Mintu Das was recorded as 02.02.1992. This was done on the basis of School certificate of Sycata Tea Factory L.P. School.

CW.3 Sri Promod Saikia who was the Headmaster of Sycota Tea Factory L.P. School also proved the original transfer certificate where also the date of birth of accused Mintu Das was mentioned to be 02.02.1992.

The case record reveals that the incident occurred on 31.03.2008.

Based on the evidence of CW.1, 2 and 3 and the certificates proved and exhibited by them, I have come to the finding that the date of birth of accused Sri Mintu Das is 02.02.1992 and as such, on the date of commission of offence on 31.3.2008, he was aged 16 years 1 month 29 days and hence a juvenile within the meaning of Section 2(K) of the Act, 2000.

Hence, I direct that the juvenile Sri Mintu Das be forwarded to the Juvenile Justice Board, Jorhat who shall thereupon pass appropriate order as per provisions of law.

Office is directed to take necessary action.

Sessions Judge, Jorhat.

Transcribed & typed by
Sri Lalit Hazarika,
[Stenographer]