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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 76/2007

MAYA KUMARI Vs. THE STATE OF RAJASTHAN & ANR.

DATE: 31.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Sunil Kr. Singodiya for the complainant-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

The present revision petition under Section 397/401 Cr. P.C. read with Section 53 of the Juvenile Justice (Care & Protection of Children) Act, 2000 is preferred by the petitioner against the order dated 28.08.2006 passed by the Additional Sessions Judge (Fast Track) No.2, Jhunjhunu in Sessions Case No. 45/2006, by which the accused-respondent Chandra Bhan has been declared juvenile on the date of offence under Sections 363/34, 366/34, 307/34, 376 (2)(G)/34, 323/34 and 325/34 IPC.

This revision petition has been filed by the complainant-petitioner stating therein that on the basis of 'Parcha Bayan' of the prosecutrix, an FIR came to be registered for the offence under Sections 366-A, 307 and 323 IPC. After investigation the police

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submitted charge sheet before the Chief Judicial Magistrate, Nawalgarh against accused Shish Ram and Chandra Bhan. On behalf of the accused-respondent Chandra Bhan, an application was filed under the Juvenile Justice (Care & Protection of Children) Act, 2000 and the learned Additional Sessions Judge (Fast Track) No.2, Jhunjhunu vide its order dated 28.08.2006 came to the conclusion that the accused-respondent Chandra Bhan was minor at the time of alleged incident. The Additional Sessions Judge while passing the impugned order, considered the evidence of the witnesses adduced by the accused-respondent Chandra Bhan as AW-1 Ramgopal and AW-2 Nathmal, documents Ex.1, 1A, 2, 2A, Ex.3 Transfer Certificate, Ex. 4, 4A copy of the application seeking admission in the school etc. and has observed that the date of birth of the accused Chandra Bhan is 05.09.88 and at the time of incident the accused Chandra Bhan was juvenile and having considered the ratio decided by this Court in the cases of **Richhpal @ Maliya Vs. State of Rajasthan, 2003(2) Cr.L.R.(Raj.) 1458** and **Bajrang @ Brijlal Vs. State of Rajasthan, 2005(2) Cr.L.R. (Raj.) 1673**, has arrived at a conclusion that the accused is juvenile and should be tried under the Juvenile Justice (Care & Protection of

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Children) Act, 2000.

Having considered the submissions made by the learned counsel for the petitioner, learned Public Prosecutor for the State and upon careful perusal of the impugned order dated 28.08.2006, I find no illegality or error apparent on the face of the record as the Court below has considered each and every aspect and has arrived at a conclusion that the accused respondent Chandra Bhan was juvenile at the time of the alleged incident, which requires no interference whatsoever by this Court while exercising its revisionary powers.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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