

(2012) 08 PAT CK 0012

In the Patna High Court

Case No : Criminal Miscellaneous No. 2702 of 2012

Raj Narayan Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 164

Citation : (2013) 1 DMC 275

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Advocate : Chandra Mohan Singh, for the Appellant; Ajay Kumar, APP for the State, for the Respondent

Final Decision : Dismissed

Judgement

Anjana Prakash, J.—The petitioner seeks quashing of the order dated 20.12.2011 passed by the District and Sessions Judge, Buxar, in Cr. Revision No. 135 of 2011 by which he has affirmed the order dated 28.9.2011 passed by the Chief Judicial Magistrate, Buxar, in Buxar (M) P.S. Case No. 209 of 2011 by which he has released his daughter from the custody of the Court. Facts of the case are that the petitioner had instituted a case against the accused persons for kidnapping his daughter who was allegedly a minor as stated in the School certificate. During investigation the girl was recovered and she was medically examined and found to be of 17-18 years and when she was produced before the Magistrate, she gave her statement recorded u/s 164, Cr.P.C. wherein she stated that she was 19 years of age and married with one of the accused persons and, therefore, no offence of kidnapping is made out against the accused persons. Thereafter, a petition was filed on behalf of the petitioner submitting therein that his daughter be released in his favour since she was a minor. However, disagreeing with the submission of the petitioner, the girl was released holding her to be an adult of 19 years of age.

2. The Counsel for the petitioner submits that a strange procedure had been

adopted by the Magistrate as much as his daughter's teeth were counted and it is on this basis that she was released. However, I find that, that was not the only reason why she was released. In fact there were other materials on record to confirm that she was a major.

3. The learned Counsel for the petitioner relies on a decision reported in 2008 (4) BBCJ 1010, wherein the age certificate of the victim was found to be the most authentic of the other documents.

4. Since a decision is rendered on the facts of each case and the facts of the present case revealed that both medically as well as in her own statement, the alleged victim claimed to be a major, I am not inclined to interfere in the matter. The application is dismissed.