
(2007) 08 AHC CK 0121
In the Allahabad High Court
Case No : Criminal Revision No. 2284 of 2007

Tinkoo Singh @ Ravi Pratap Singh

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 17-08-2007

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 49

Citation : (2007) 08 AHC CK 0121

Hon'ble Judges : A.K. Roopanwal, J

Final Decision : Allowed

Judgement

A.K. Roopanwal, J.—The counteraffidavit filed today be kept on record.

2. Heard learned Counsel for both the parties and perused the record.

3. This revision is directed against the order dated 3072007 passed by the Additional Sessions Judge/F.T.C. 1st Basti, whereby the application 11 Kha for declaring the revisionist as juvenile was rejected.

4. It appears from the impugned order that in support of his juvenility the revisionist relied upon the educational records but to prove these records no official of the school was summoned nor the trial Court tried to procure such evidence. The trial Court by perusal of the certificate filed by the revisionist opined that he was not juvenile.

5. I feel that the enquiry as contemplated under Section 49 of the Juvenile Justice (Care and Protection of Children) Act, 2000 has not been done properly by the trial Court and the matter of juvenility has been decided in a summary manner. In such circumstances I feel it expedient to send the matter back to the Court concerned for a fresh decision.

6. Accordingly the revision is allowed and the impugned order dated 3072007 is set aside. The matter is sent back to the trial Court for a fresh decision as per law embodied in the aforesaid Act after affording opportunity of hearing to both

the parties.

Revision allowed.