

(2026) 02 UK CK 1801
In the Uttarakhand High Court
Case No : Criminal Revision No. 516 Of 2024

"X" CIL

APPELLANT

Vs

State Of Uttarakhand & Anr

RESPONDENT

Date of Decision : 18-02-2026

Acts Referred:

Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 94, 102
Indian Penal Code, 1860 — Section 363, 366, 376(2)
Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6

Citation : (2026) 02 UK CK 1801

Hon'ble Judges : Ashish Naithani, J

Bench : Single Bench

Advocate : Jitendra Chaudhary, Vijay Khanduri

Final Decision : Allowed

Judgement

Ashish Naithani, J

1. The present criminal revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, assailing the judgment and order dated 30.03.2024 passed by the learned Additional Sessions Judge/FTC (POCSO), Haridwar, in Misc. Criminal Case No. 10 of 2024 (State v. Hukum Singh), whereby the application of the Revisionist seeking declaration of juvenility was rejected and the Revisionist was held to be a major.

2. The Revisionist is an accused in FIR No. 0714 of 2023, registered at Police Station Laksar, District Haridwar, under Sections 363, 366, 376(2) IPC and Sections 5/6 of the POCSO Act. The Revisionist is in judicial custody since 24.10.2023.

3. The case of the Revisionist is that his date of birth is 12.01.2007, and therefore, on the date of the alleged incident, he was below eighteen years of age and was a child in conflict with law within the meaning of the Juvenile Justice Act. In support of the said claim, reliance is placed upon the school transfer

certificate, school records, family register and Aadhaar card, all of which record the same date of birth.

4. It is the admitted position that, before the court below, the aforesaid educational and public documents were not produced. Instead, an application was moved by the then counsel for the Revisionist seeking medical examination for determination of age.

5. Pursuant thereto, a medical board was constituted, which opined that the age of the Revisionist was between 18 to 20 years. Relying primarily upon the said medical opinion, the court below, by the impugned order dated 30.03.2024, rejected the claim of juvenility and declared the Revisionist to be a major.

6. Aggrieved by the said order, the present revision has been filed. During the pendency of the revision, the Revisionist moved an application for bringing additional documents on record, namely the school records, family register and Aadhaar card, which has been allowed, and the said documents have been taken on record.

7. Learned counsel for the Revisionist submits that the impugned order is wholly unsustainable in law inasmuch as it proceeds in complete disregard of the mandatory statutory scheme contained in Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

8. It is argued that under the said provision, primacy is required to be given to the date of birth certificate from the school or the matriculation or equivalent certificate, and only in the absence of such documentary evidence, recourse can be had to medical opinion.

9. It is submitted that the school transfer certificate, school records, family register and Aadhaar card, which are now on record, uniformly record the date of birth of the Revisionist as 12.01.2007, and therefore, on the date of the alleged incident, the Revisionist was admittedly below eighteen years of age.

10. It is further contended that the medical opinion is, at best, an estimate with a margin of error and cannot override authentic documentary evidence relating to date of birth.

11. Learned counsel for the revisionist submits that the failure to place the said documents before the court below occurred due to lapses on the part of the earlier counsel, and the Revisionist, who was in custody, cannot be made to suffer for the same.

12. It is also argued that the court below has adopted a legally impermissible approach by treating the medical opinion as determinative, even though the statute clearly treats it as a method of last resort.

13. On these premises, it is urged that the impugned order deserves to be set aside and the Revisionist be declared a juvenile in conflict with law, or in the alternative, the matter be remanded for fresh consideration in accordance with

law.

14. Per contra, learned State counsel supports the impugned order and submits that the court below has decided the matter on the basis of the material which was available before it at the relevant time.

15. It is argued that since no documentary evidence relating to date of birth was produced before the court below, it had no option but to rely upon the medical board report, which indicated the age of the Revisionist to be between 18 to 20 years.

16. It is further submitted that the order passed by the court below does not suffer from any illegality or perversity warranting interference in revisional jurisdiction.

17. Heard learned counsel for the Parties and perused the records.

18. The short but important question which arises for consideration in the present revision is whether the court below was justified in rejecting the claim of juvenility of the Revisionist solely on the basis of the medical board opinion, without there being any consideration of documentary evidence relating to the date of birth, and whether such an approach is in consonance with the statutory scheme of the Juvenile Justice (Care and Protection of Children) Act, 2015.

19. The law relating to determination of age of a person claiming juvenility is no longer res integra. Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 lays down a clear and mandatory hierarchy of evidence for age determination. The statute accords primacy to the date of birth certificate from the school or the matriculation or equivalent certificate, and in the absence thereof, to the birth certificate issued by a municipal authority or a panchayat. It is only in the absence of both these categories of documentary evidence that recourse can be had to medical opinion.

20. The legislative intent behind such a scheme is manifest. Medical age determination is, by its very nature, an approximation and carries an inherent margin of error. It is for this reason that the statute treats medical opinion as a method of last resort and not as the primary or determinative mode of proof.

21. In the present case, it is not in dispute that before the court below, no school or public documents relating to the date of birth of the Revisionist were produced, and an application was moved for medical examination. On the basis of the medical board report opining the age of the Revisionist to be between 18 to 20 years, the court below rejected the claim of juvenility and declared the Revisionist to be a major.

22. However, during the pendency of the present revision, the Revisionist moved an application for taking additional documents on record, namely, the school transfer certificate, school records, family register and Aadhaar card, which has been allowed, and the said documents now form part of the record of this Court.

23. A perusal of these documents shows that they uniformly record the date of birth of the Revisionist as 12.01.2007. At least at this stage, there is nothing on record to prima facie indicate that these documents are forged, fabricated or inherently unreliable.

24. Once such documentary evidence relating to date of birth is available on record, the statutory mandate of Section 94 of the Act requires that the same be considered in precedence to, and in preference over, any medical opinion. The approach adopted by the court below, in treating the medical opinion as determinative, without the benefit of examining the documentary evidence, therefore, cannot be said to be in accordance with law.

25. It is also evident that the failure to produce the said documents before the court below occurred on account of lapses on the part of the earlier counsel. A child in conflict with law, who is in custody, cannot be made to suffer irreversibly for such lapses, particularly when the statute itself is a beneficial and protective legislation, intended to secure the rights of children.

26. This Court is conscious of the fact that the court below did not have the advantage of considering the documentary evidence which is now available on record. In such circumstances, the proper course would be to set aside the impugned order and remit the matter to the court below for a fresh and lawful determination of the claim of juvenility, strictly in accordance with the procedure and hierarchy of evidence prescribed under Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

27. This Court, therefore, has no hesitation in holding that the impugned judgment and order dated 30.03.2024 suffers from a material irregularity and cannot be sustained in the eyes of law.

28. It is clarified that this Court has not expressed any opinion on the genuineness or evidentiary value of the documents produced by the Revisionist, and the same shall be examined by the court below in accordance with law.

ORDER

The criminal revision is allowed.

The judgment and order dated 30.03.2024 passed by the learned Additional Sessions Judge/FTC (POCSO), Haridwar, in Misc. Criminal Case No. 10 of 2024, is hereby set aside.

The matter is remanded to the court below to decide the application of the Revisionist for declaration of juvenility afresh, in accordance with law, after considering the documentary evidence relating to the date of birth, strictly in the light of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The court below shall endeavour to decide the said issue expeditiously, preferably within a period of four weeks from the date of production of a certified copy of

this order.