(13)

Special (P) Case No. 5 (D)/17

20.07.2019

Accused Sultan Ali is present. Today is fixed for passing necessary order.

I have perused the case record. On perusal of the record, it is found that the accused filed a petition U/S 482 of CrPC before Hon'ble High Court praying for quashing the order dtd. 02.05.2017 passed by this Court in connection with this case refusing to extend the benefit of Juvenile Justice (Care and Protection of Children) Act to the accused person and while disposing the said petition, Hon'ble High Court vide order dtd. 02.11.2017 observed that this Court has to make a thorough investigation after making necessary inquiry as to the reason in issuing the Birth Certificate after 9 years. By the said order dtd. 02.11.2017, Hon'ble High Court directed this Court to conduct an inquiry in accordance with the provision of Juvenile Justice Act to ascertain the genuineness of Birth Certificate and if it is found that the Birth Certificate is not genuine, then it will pass appropriate order.

In view of the said order of Hon'ble High Court, further inquiry was initiated regarding juvenility of the accused person and to ascertain the genuineness of Birth Certificate which was submitted by the accused in the case. Accordingly, notices were issued to the authority of Joint Director of Health Services, Chirang, Kajalgaon and the official of Deputy Commissioner, Chirang, Kajalgaon to prove the documents pertaining to delayed register of birth of accused Sultan Ali.

On receipt of the notices, Sri Manottam Basumatary, Statistical Asstt., Joint Director of Health Services, Chirang, Kajalgaon and Shri Jayanta Sarkar, Sub-Divisional Officer (Sadar), Chirang, Kajalgaon appeared before this Court and their statements were recorded as Witness No. 1 and Witness No. 2 respectively.

On perusal of statement of Witness No. 1, the Statistical Asstt., Joint Director of Health Services, Chirang, Kajalgaon, it is found that Md. Jul Hussain, S/O Jagir Ali filed a petition in the proper form for registration of birth of Sultan Ali, Father – Jul Hussain, Mother – Sowagi Begum in the office of Joint Director along with an affidavit sworn by Jul Hussain showing the date of birth of said Sultan Ali and subsequently, permission for delayed registration of the date of birth was sanctioned by Sub-Divisional Magistrate (Sadar), Chirang District, Kajalgaon. From the statement of Witness No. 2, the Sub-Divisional Officer (Sadar), Chirang, Kajalgaon, it is found that on 22.08.2008, the then S.D.O. (Sadar) issued sanction letter for delayed registration of birth vide memo No. CHR(CERT)-1/2007/469, dated Kajalgaon, 22nd August, 2008, in which date of birth of one Md. Sultan Ali was recorded as 30.12.1999 on the basis of enquiry conducted by Circle Officer, Sidli.

From the above, it is found that the birth certificate which was submitted by the accused in this case regarding his age was properly issued by concerned authority and same is not a forged document. So, on the date of occurrence, i.e. on 06.02.2017, the age of accused Sultan Ali was 17 years 1 month 6 days. So, he was a child at the time of occurrence. Hence, send the case record to J.J.B., Chirang, Kajalgaon. Child conflict with law is directed to appear before the J.J.B., Chirang, Kajalgaon on 31.07.2019.

Fix <u>31.07.2019</u> for appearance before J.J.B., Chirang, Kajalgaon.

As dictated,

Special Judge, Chirang.