

**Present:- Sri N. J. Haque, CJM, Sonitpur,
Tezpur**

Tezpur PS Case No-1646/2021
GR Case No-2658/2021
U/S-379 of IPC

ORDER

21.08.2021

Case record put up today as on the date fixed declared holiday.

Head Master of B.I.C. M.E. School, Itakhola under Sootea PS, Biswanath has appeared in compliance with order dated 18.08.2021.

The Head Master of B.I.C. M.E. School, Itakhola examined today and he deposed that " *he has been working as Head Master in the aforementioned school since 29.02.2016. Today, he attend court as he has been summoned from Hon'ble Court along with the Admission Register of the school as per Order dated-18.08.2021. He further deposed that according to Admission Register of his school from the year 2012 to 2016, the name of Md. Mirajul Islam, son of Md. Mozibur Rahman of village Balidanga, post office Itakhola was entered on 06.01.2015 under SL. No-43. It is also mentioned in the Admission Register the date of birth of said Mirajul Islam was recorded as 24.09.2004. He also deposed that the age of Mirajul Islam is till date 16 years, 10 months and 27 days. Ext-A is the Student Admission Register of B.I.C. M.E. School, Itakhola under Sootea PS, Biswanath of the year 2012 to 2016. Ext-A(1) is the SL. No-43 wherein it was specifically written the date of admission, name of student along with his residential address, guardian name and the date of birth of Md. Mirajul Islam. He*

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Knows Mirajul Islam personally as he was a student at that time. He had issued School Leaving certificate of Mirajul Islam on 18.09.2018. Ext-B is the School Certificate Book. Ext-B(1) is the Counterfoil of certificate issued in the name Md. Mirajul Islam on 18.09.2019. Ext-B(1)(a) is his signature. Ext-B(2) is the Transfer and Leaving certificate of Md. Mirajul Islam issued by him on 18.09.2018. Ext-B(2)(a) is his signature."

Heard both sides and perused the case record. It disclosed from the case record that the petitioner named Mozibur Rahman prayed that his son named Md. Mirajul Islam is a juvenile and he further claimed that the date of birth of his son is on 24.09.2004. He also filed one School Leaving Certificate of his son along with the petition and consequently, the Head master was called for along with admission register and today he examined.

On perusal of the evidence adduced by Head Master of the said school, this court finds that as per the admission register vide Ext-A(1) the date of birth of Mirajul Islam is 24.09.2004.

Considering the oral as well as documentary form of evidence, this court finds that accused Mirajul Islam has not completed the age of 18 years on the date of alleged occurrence and further his age appears to be 16 years, 10 months and 27 days on the date of incident and accordingly, he found to be a Child in Conflict with Law (CCL). Hence, accused Mirajul Islam declared as Child in Conflict with Law (CCL) and he needs to be forwarded before the Juvenile Justice Board (JJB), Tezpur, Sonitpur. Accordingly, the I/O is directed to produce the CCL before the Juvenile Justice Board, Tezpur forthwith.

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The Superintendent of Central Jail, Tezpur shall make all the necessary arrangement for producing the CCL before the Juvenile Justice Board, Tezpur forthwith.

Let the case record be transmitted before the Juvenile Justice Board, Tezpur by way of preparing a separate case record retaining the original for the other accused persons with the GR Branch.

PI is directed to communicate this order to the Investigating Order, Superintendent of Central Jail, Tezpur and the Juvenile justice Board, Tezpur.

Inform all the concerned.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur at Tezpur