

BRIJ MOHAN vs PRIYABRAT

AIR 1965Sc 282

- ▶ Section 35 of The Indian Evidence Act 1872 would be attracted if entry is made by the public servant himself in a public or other official book.
- ▶ In actual life false statement of age is made by parents to secure advantage at latter stage. Explanation that incorrect date was carried in school record was accepted.

Biradmal Singhvi Vs. Anand Purohit

AIR 1988 SC 1796

- ▶ Formal proof of a document and probative value thereof are not the same thing.
- ▶ Probative value of a document depends on the source of information on the basis of which entry has been made by the public servant in the public record.
- ▶ Relied in Sushil Kumar vs Rakesh Kumar AIR 2004 SC 230.

Umesh chandra vs Rajasthan AIR1982 SC 1057

A three judge bench of SC observed that it is not uncommon for parents to change the age of their children in order to get some benefit either for appearing in examination or entering a particular service.

Gopi Nath Ghose V/s State of W.B (1984) Supp SC 228

- ▶ Plea of juvenility was raised for the first time before the Apex court
- ▶ SC did not allow the technical objection that the plea could not be raised for the first time before the SC in view of the beneficial provision of WB Children Act read with Article 39(f) of the Constitution which provides that the State shall direct its policy towards securing that children are given opportunities and facilities to develop in healthy manner and in conditions of freedom and dignity.

Pradeep Kumar vs State of UP 1995Supp(4)SCC419

- ▶ A three judge bench of SC accepted High School Certificate, Horoscope and medical opinion as acceptable proof of age in the fact and circumstances of the case. Benefit of Children Act was given.

BHOOPRAM vs State of UP (1989) 3 SCC 1

- ▶ Sessions Judge who was directed to return a finding on age of appellant did not accept the School Leaving Certificate according to which appellant was less than 16 years of age on the date of occurrence. SC held That certificate carried definite date of birth against which there was no material. Brij Mohan Singh's case not cited.

BHOLA BHAGAT vs State of Bihar (1997) 8 SCC 720

- ▶ Statement of accused under section 313 Cr P C and assessment of age by trial judge was accepted as valid proof of age in absence of any challenge by the state either in HC or in SC.
- ▶ Held-if HC doubted assessment of age an enquiry could be ordered. St of Haryana vs Balwant Singh 1993Supp SCC 1 was held not to be a good law.

DAYA CHAND vs SAHIB SINGH (1991) 2 SCC 438

- ▶ Two different Dates of birth were recorded in two different schools. SC held that Medical report was to be relied upon.
- ▶ In this case medical report was of definitive nature which said that age was not less than 20 years on the date of examination.
- ▶ Tendency of many to have lesser age recorded in school is well known.

RAM DEO CHAUHAN VS ASSAM AIR 2001 SC 2231

- ▶ School records were not accepted because the source of information regarding date of birth was not proved. Register was not properly maintained.
- ▶ Even medical report according to which age could be around 16 years was not accepted.

RAVINDRA SINGH GORKHI Vs UP AIR2006 SC 2157

- ▶ In view of S.35 of Evidence Act different standard cannot be applied in a civil or a criminal case.
- ▶ School Leaving Certificate cannot be used unless all the ingredients of S 35 are established.
- ▶ Benefit can be given to those only who are in fact juvenile.

BABLOO PASI Vs JHARKHAND 2008(13)SCALE 137

- ▶ Age mentioned in voter list was accepted by first appellate court against order of JJ Board.
- ▶ Held- unless proved in accordance with S.35 of Evidence Act it cannot be acted upon in view of BiradMal Singhvi's case and other cases inline.

JITENDRA RAM vs JHARKHAND

2006 Cri L J 2464(SC)

- ▶ SC sounded a note of caution that BHOLA BHAGAT case does not mandate that a person who is in fact not a juvenile should be given the benefit simply because such a plea has been raised.
- ▶ This case has been referred with approval in Ravindra Singh Gorkhi's and Babloo Pasi's cases.case.

JYOTI PRAKESH vs BIHAR

AIR 2008SC 1696

Referred with approval Ravindra Singh Gorkhi and Jitendra Singh With approval.

- ▶ Medical opinion was accepted over school certificates which appeared to be forged.
- ▶ Held –each case should be judged on its own merits.
- ▶ Benefit be not given simply because plea has been raised.

PAWAN vs UTTARANCHAL (2009)15 SCC 259

- ▶ Juvenility was claimed on the basis of School leaving certificate and statement u/s 313 CrPC. SC held that since no plea was raised in trial court or the High Court and School certificate was obtained after conviction it was not accepted even for directing an enquiry.
- ▶ Statement u/s 313 is hardly determinative.

HARIRAM VS RAJASTHAN

(2009)13 SCC211

- ▶ Juvenile law is meant to be different from adult justice system.
- ▶ Law is rehabilitatory and not adversarial.
- ▶ Difference yet to be appreciated.
- ▶ All persons below 18 at the time of commission of offence are entitled to benefit.
- ▶ Plea can be raised at any stage even after completion of trial.

RAJU vs HARYANA (2010)3 SCC 235

- ▶ Mark Sheet (and not the matriculation certificate) wherein date of birth was recorded was accepted as proof of age.
- ▶ State did not dispute the fact of juvenility.
- ▶ Whether an authority for proposition that mark sheet is valid piece of evidence to prove age?

SHAH NAWAZ VS UP

AIR 2011 SC 3107

- ▶ Relying on Raju's case it was held that Mark sheet is a valid proof of age.
- ▶ Further held that School Leaving Certificate is also valid proof of age.
- ▶ In this case School Leaving Certificate was proved by clerk and School Leaving Certificate of another school also contained same date of birth.

OM PRAKESH Vs RAJASTHAN 1012 (4) SCALE 348.

- ▶ Accused Vijai @banwaroo studied in two schools with two different dates of birth.
- ▶ In one school his name was Vijai and in the other his name was Bhanwar Lal.
- ▶ He explained his own school records according to which he was major by saying that it was of his elder brother.
- ▶ SC held that if school record is ambiguous then medical opinion can be relied on.

ASWANI KUMAR SAXENA vs MP (2012)9SCC 750

- ▶ Nature of enquiry explained.
- ▶ JJB must conduct inquiry “by seeking evidence by obtaining”
- ▶ Exclusionary rule applies.
- ▶ JJB not to conduct a roving enquiry and go beyond certificate

KULAI IBRAHIM VS STATE

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- ▶ Father of accused after conviction from HC obtained a forged school certificate to show accused a juvenile and also obtained birth certificate from City Municipal Corporation by order of Judicial Magistrate.
- ▶ SC directed the trial court to complete trial of case regarding fake certificates and kept pending the issue of juvenility.