

Shah Nawaz v. State of U.P., (2011) 13 SCC 751

Juvenile Justice and Children's Acts

Juvenile Justice (Care and Protection of Children) Rules, 2007

R. 12 - Juvenility - Procedure to be followed in determination of age - Reliability of marksheet and/or school leaving certificate for determination of age of accused - Held, entry relating to date of birth entered in marksheet as well as school leaving certificate are valid proofs for determination of age of accused person - R. 12 categorically envisages that medical opinion from Medical Board should be sought only when matriculation certificate or school certificate or any birth certificate issued by a corporation or by any panchayat or municipality is not available - Additional Sessions Judge and High Court committed error in taking a contrary view - Moreover both marksheet and school leaving certificate corroborated each other, and testimony of School Principal and clerk and mother of accused further corroborated the same - Appellant declared a juvenile on date of occurrence, (2011) 13 SCC 751-A

Juvenile Justice and Children's Acts

Juvenile Justice (Care and Protection of Children) Rules, 2007

R. 12 - Juvenility - Borderline cases - Procedure to be followed in determination of age - Marksheet - School leaving certificate - Acceptability for determination of age of an accused - Hypertechnical approach should not be adopted - If two views may be possible on said evidence, court should lean in favour of holding accused to be a juvenile in borderline cases, (2011) 13 SCC 751-B

Juvenile Justice and Children's Acts

Juvenile Justice (Care and Protection of Children) Rules, 2007

R. 12 - Juvenility - Procedure to be followed in determination of age - Marksheet - School leaving certificate - Appreciation of evidence - Preference has been given to school certificate over medical report, (2011) 13 SCC 751-C