

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA
MIZORAM AND ARUNACHAL PRADESH)
ITANAGAR PERMANENT BENCH
NAHARLAGUN

Appeal from
Writ Petition (Civil)

BA No.....⁵⁴ (AP) 2011

Md Jamir Uddin

Appellant
Petitioner

-Versus-

The State of AP.

Respondent
Opposite Party

Counsel for the Appellant
Petitioner

MR H. Tangu
 ' P. Taeting
 R. Milla
 L. Toshi
 L. Chota
 H. Nikang

Counsel for the Respondent
Opposite Party

PP AP.

Noting by Officer or Advocate	Serial No.	Date	Office,note,reports,orders or Proceeding with signature
(1)	(2)	(3)	(4)

-AND-

IN THE MATTER OF:

Shri *Md. Jamir* Uddin, ^{al}

S/o Shri Urmat Ali.

Resident of Prem Nagar (near
veterinary colony), Naharlagun.

P/o & P/s Naharlagun.

Dist: Papum pare,

Arunachal Pradesh.

Permanent resident of village

Balitika.

P/o & P/s Laluk.

North Lakhimpur District.

Assam.

....Applicant.

-VERSUS-



State of Arunachal Pradesh,
represented by Public Prosecutor.

....Respondent.

**BA No.4 (AP) 2011
BEFORE
THE HON'BLE MR. JUSTICE HRISHIKESH ROY**

24-01-2011

This is an application under Section 439 CrPC in Naharlagun PS Case No.151/2010 registered under Sections 363(A)/34 of the IPC in connection with which the accused *Jabur Ali* was arrested on 7.12.2010.

Mr. I Basar, learned Addl. P.P. has produced the case diary and submits that the material collected by the police so far does not show anything incriminating against the arrested accused in connection with the above case.

Accordingly this bail application deserves to be allowed.

Mr. P Tsering, learned counsel appearing for the petitioner has drawn further attention of the Court to the averments made in Para. 7 of the bail application where it is indicated that the arrested accused *Jabur Ali* is a minor boy who is 14 years old. However the learned P.P. Mr. Basar submits that there is nothing in the case record to show that the arrested person is a minor.

If the accused is not a major as claimed, the provisions of the *Juvenile Justice (Care and Protection of Children) Act, 2000* (hereinafter referred to as the "Act of 2000") would apply in his case and the normal criminal process cannot be made applicable for a juvenile.

The Judicial Magistrate, 1st Class, Naharlagun is accordingly ordered to *prima facie* decide as to whether the arrested person is a minor. If he is a minor, he shall be given in custody of his father *Md. Jamir Uddin*, who is the petitioner in this case. Thereafter further proceeding shall be conducted against *Jabur Ali* under the provisions of the *Act of 2000*. If however the arrested person is not a juvenile, he shall be released on furnishing a bail bond of Rs.10,000/- with one local surety to the satisfaction of the learned Court.

The bail petition stands allowed accordingly.


JUDGE

Barman