

**IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE RAMKUMAR CHOUBEY**

**ON THE 6<sup>th</sup> OF OCTOBER, 2025**

**CRIMINAL REVISION NO.1590 OF 2025**

**BHARGAV SHEHORE**

**VERSUS**

**STATE OF MADHYA PRADESH**

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Appearance:

Shri Surendra Singh, Senior Advocate with Shri Shivam Singh,  
Advocate for the petitioner.

Shri Amit Sharma, Government Advocate for the respondent/State.  
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**ORDER**

The present revision petition under Section 438 read with Section 442 of BNSS, 2023 has been preferred by the petitioner being aggrieved by the order dated 12.03.2025 passed by the Sessions Judge, Balaghat (M.P.) in Cr.A.No.26/2025 dismissing the appeal filed under Section 101 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short, "Act, 2015") by the petitioner against the order dated 07.02.2025 passed by the Chief Judicial Magistrate, Balaghat in connection with Crime No.328/2024 registered at Police Station Bharbeli.

2. A succinct portrayal of the facts, which would lead to a decisive conclusion is that an offence punishable under Sections 103/1, 238(A) and 61(2) of BNS, 2023 has been registered vide Crime No.328/2024 against the accused persons including the petitioner. As per the allegation, the bone of contention was with respect to money transaction, which led the petitioner and co-accused to strangle the deceased by means of wire in a vehicle Mahindra Xylo Car and throw dead body in forest area. The petitioner was shackled in connection with the aforesaid crime and was produced before the concerned Chief Judicial Magistrate, Balaghat. An application was filed on behalf of the petitioner stating therein that his actual date of birth is 06.05.2007 as per the birth certificate, although the date of birth has been wrongly mentioned in the school record as 06.05.2006 and therefore it was claimed that since the age of the petitioner was below 18 years on the day of occurrence, he should be treated a juvenile.

3. Learned Chief Judicial Magistrate conducted an inquiry for determining the age of the petitioner and vide order dated 07.02.2025 concluded that on the basis of scholar register, which contains the petitioner's date of birth as 06.05.2006, therefore, it became evident that on the date of incident i.e 26.12.2024 his age was 18 years & 7 months, and thus, dismissed the application. An appeal was preferred by the petitioner under Section 101 of the Act, 2015 before the Sessions Judge, Balaghat. The learned appellate Court vide order dated 12.03.2025 while holding that the learned Chief Judicial Magistrate has rightly determined the petitioner's age as per the provisions of Section 94 of the Act, 2015 dismissed the appeal. Hence, the disgruntled petitioner has approached this Court by way of filing this revision.

4. Learned senior counsel for the petitioner sanguinely submitted that the scholar register depicting the petitioner's date of birth produced before the Chief Judicial Magistrate was not duly proved inasmuch as no witness was adduced who could depose about the entry of the date of birth made in the scholar register, therefore, the fulcrum for determining petitioner's age on the anvil of scholar register is precarious and thus is not sustainable in the eyes of law. Learner senior counsel further submitted that in the dearth of any proof about scholar register, as per the provisions of Section 94 of the Act, 2015, the birth certificate issued by the local authority i.e. the Municipal Council, Balaghat shall prevail wherein the date of birth is mentioned as 06.05.2007 and in that eventuality, the petitioner would be treated as juvenile. To bolster his contentions, learned senior counsel has placed reliance on a decision of the Supreme Court in the case of **Manak Chand alias Mani v. State of Haryana, AIR 2023 SC 5600**.

5. In contrast, learned counsel for the respondent/State submitted that as per the provisions of Section 94 of the Act, 2015, the foremost document relating to age is the scholar register and only in its absence, the birth certificate issued by the Municipal Council would be given a second consideration. He further submitted that the impugned order being devoid of any infirmity, does not require any interference in the revisional jurisdiction.

6. Heard learned senior counsel for the petitioner as well as learned counsel for the respondent/State and perused the integral part of the case diary and also the documents available on record.

7. Indubitably, the date of incident is 26.12.2024 and as per the articulation of prosecution case, the petitioner's date of birth is 06.05.2007 as has been entered in the scholar register. Conversely, the petitioner claims himself to be a juvenile on the basis of birth certificate issued by the Municipal Council.

8. For fathoming the depth of arguments of either side, it would be imperative to go-through the provisions of Section 94 of the Act, 2015, which provide for presumption and determination of age, and reads as under:-

**“94. Presumption and determination of age.—**(1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.”

**9.** Adverting to the record, it is seen that during the inquiry conducted by the learned Chief Judicial Magistrate for determining the petitioner’s age, statements on oath of witnesses namely Ishwari Prasad Shehore, Surajlal Sulakhe and Sunita alias Anita were recorded. Ishwari Prasad Shehore is the father and Sunita alias Anita is the mother of the petitioner whereas Surajlal Sulakhe is the Headmaster of Rani Awantibai Vidhya Mandir, School, Chikhla. Surajlal Sulakhe stated that he has been posited as Headmaster in Rani Awantibai Vidhya Mandir, School, Chikhla since 1993 till date. He further stated that as per the scholar register of that school at entry No.990 the petitioner’s name Bhargav Shehore, S/o Ishwari Shehore and mother Sunita Shehore, the date of birth is mentioned as 06.05.2006 and the date of admission is mentioned as 16.04.2012 in Class-I. In cross-examination, he stated that at the time of admission concerned in-charge teacher had made these entries. The basis of the date of birth is not mentioned in the scholar register, however, he admitted that at the time of admission, the Admission Form is required to be submitted, which is filled-up by the mother-father or guardian of the pupil. He also stated that at that time birth certificate was not required as per the government norms.

**10.** Ishwari Prasad Shehore and Sunita Shehore are interested witnesses being father and mother of the petitioner facing trial for serious offence.

Therefore, the evidence of these two witnesses needs to be scrutinized minutely and cautiously. Seemingly, Ishwari Prasad Shehore is well-educated as is a practicing BAMS doctor. Ishwari Prasad stated that he does not remember the date on which the petitioner got admitted in school. He further stated that he does not remember whether he or his wife got admitted the petitioner in the said school. However, he admitted that the petitioner had studied from KG-1 to Class-VIII in Rani Awantibai School. In cross-examination, Ishwari Prasad admitted that after the birth of the petitioner at Kevin Hospital, Balaghat, the hospital had issued a birth certificate, but he has not submitted the same. He further admitted that he has got admitted his son (petitioner) in Rani Awantibai School, but he is unaware of the fact that the petitioner's date of birth as 06.05.2006 is mentioned in the scholar register and he does not know that the petitioner's date of birth in the said school was recorded by him or his wife or any other member of the family.

**11.** Likewise, Smt. Sunita alias Anita is also a well-educated lady. She has stated that some teachers from Rani Awantibai School came to her house for survey about the admission of the petitioner, thereafter they (parents) sent the petitioner to the school, who was then admitted therein. She has categorically admitted that for the purpose of admission in school the Admission Form was required to be filled-up and submitted in the school and the information filled-up in the Admission Form is being given by the mother, father or guardian of the pupil, however, she has stated that the Form of the petitioner was filled-up by the school personnel. She further admitted that the information given by the parents and guardian was filled-up by the school personnel. In cross-examination, she has stated that the petitioner's birth was taken place at Kevin Hospital, Balaghat

and she has produced a photocopy of that birth certificate issued by the said hospital, but neither any record nor any hospital personnel was called from the concerned hospital to testify the said birth certificate. The learned Chief Judicial Magistrate has doubted the genuineness of such document as is evident from the order dated 07.02.2025.

**12.** Notably, the witness Surajlal Sulakhe, is the Headmaster of the school concerned since 1993 till date. It is evident that at the time of admission in Class-I, the date of birth of the petitioner was entered in scholar register as 06.05.2006. It is further evident from the entire statements of Ishwari Prasad and Sunita alias Anita that they got admitted the petitioner in the said school in Class-I wherein the date of birth was recorded on the basis of the information given by them and as filled-up in the Admission Form on the basis of information so given. Ishwari Prasad and Sunita alias Anita have not said about who had given the date of birth at the time of admission in school. Nowhere it is stated by Ishwari Prasad and Sunita alias Anita that the petitioner's first admission in the school was done by anybody else, who gave the information of date of birth. Much to the surprise, it is arduous to believe that the wrong entry of date of birth remained unnoticed by the petitioner and/or his parents since 2012. There is no whisper of any attempt ever made asking for correction of wrong entry of date of birth in educational documents continued from 2012.

**13.** The scholar register being entry in public or other official book is relevant fact under Section 35 of the Indian Evidence Act (Section 29 of the Bharatiya Sakshaya Adhinyam, 2023). The Supreme Court in **Manak Chand**

**alias Mani** (supra) has reiterated the legal proposition laid down in **Birad Mal Singhvi v. Anand Purohit, AIR 1988 SC 1796** and has held as under:-

“14. ....The date of birth mentioned in the scholar’s register has no evidentiary value unless the person who made the entry or who gave the date of birth is examined. The entry contained in the admission form or in the scholar’s register must be shown to be made on the basis of information given by the parents or a person having special knowledge about the date of birth of the person concerned. If the entry in the scholar’s register regarding date of birth is made on the basis of information given by parents, the entry would have evidentiary value but if it is given by a stranger or by someone else who had no special means of knowledge of the date of birth, such an entry will have no evidentiary value.”

The parents or near relative having special knowledge are the best person(s) to depose about the date of birth of the child. If entry regarding the date of birth in scholar register on the basis of information given by the parents or someone having special knowledge about the fact, the same would have probative value. It has been consistently held that the date of birth mentioned in the scholar register has no probative value unless either the parents are examined or the person, on whose information the entry may have been made, is examined.

**14.** In the case at hand, father and mother of the petitioner have been duly examined, therefore, it cannot be said that the parents being the persons having special knowledge about the fact of date of birth have not been examined. Neither the parents of the petitioner have stated that the information of petitioner’s date of birth was not given by them nor was it given by someone else. Since, the parents of the petitioners are well-educated, therefore, the requirement of examination of



parents or person having special knowledge of the fact of date of birth, is fulfilled. The evidence of such witnesses needs to be appreciated on the face of settled legal proposition. On a thorough screening of the statements of parents, it exudes a notion that Ishwari Prasad, who is well-educated BAMS doctor and Sunita alias Anita, who is too well-educated, have been wittingly concealing the accuracy and exactitude of petitioner's date of birth so that an umbrella of juvenility can be proffered to him.

**15.** So far as the birth certificate issued on 06.01.2025 by the Municipal Council, Balaghat is concerned, it has been nowhere stated by Ishwari Prasad and Sunita alias Anita about the birth certificate obtained from the Municipal Council, Balaghat. A glimpse to the birth certificate issued by the Municipal Council, Balaghat, which is placed on record, reveals that it has been issued on 06.01.2025 i.e. after the date of incident 26.12.2024. There is no evidence on record that on what basis the birth certificate has been issued on 06.01.2025 long after the birth because even the Municipal Council, Balaghat cannot issue birth certificate on its own, unless the factum of birth along with the date and place of birth is given by the parents of the child. Furthermore, there is no evidence or even there is no endorsement in the birth certificate to show that it has been issued as per the procedure prescribed under Rule 9 of the M.P. Registration of Births & Deaths Rules, 1999 (for brevity "Rules, 1999"). Every birth and death certificate issued under the provisions of the Registration of Births and Deaths Act, 1969 must be in conformity with the Rules, 1999.

**16.** In view of the above discourse, it is clear like a noon-day that the entry of the petitioner's date of birth in the scholar register was made on the basis

of the information given by the parents of the petitioner for which they tried to retract in their statements. Since, the primary requirement of considering the entry of date of birth in scholar register is fulfilled, there arises no occasion to consider the birth certificate for determining the age.

17. Accordingly, in the considered opinion of this Court, based on factual and settled legal position, the impugned order does not call for any interference in exercise of revisional power of this Court as to legality, correctness and propriety of the impugned order.

18. Resultantly, the revision being misconceived, is hereby **dismissed**.

**(RAMKUMAR CHOUBEY)**  
**JUDGE**

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