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CASE COMMENTARY: PARAG BHATI (JUVENILE) THR. LEGAL vs. STATE OF UP (JUVENILE JUSTICE ACT)

- *Shravani Somnath Motgi*

INTRODUCTION:

The Hon'ble Supreme Court's judgment in the case *Parag Bhati v. State of UP*¹ deals with the sensitive yet increasingly relevant area of the criminal law, i.e., how to fairly determine whether an accused is a juvenile when there are some conflicting documents and serious allegations being involved. This case is not just about one young man's claim to be under 18; it's about how the legal system tries to balance the rehabilitative purpose of the Juvenile Law with the need for justice in heinous crimes. The court in this case had to examine that whether the protections meant for children were being misused by an adult who was accused of a murder.

FACTS OF CASE:

Satender, a resident of Greater Noida, was found murdered in his house in June 2011. On investigation, the police arrested the appellant Parag Bhati, who claimed to be a juvenile (hereinafter referred to as the accused below 18 of age at the time of the incident). In support thereof, he also placed before the learned Single Judge the Certificate of Class X and some school records evidencing his date of birth as 13.09.1995. That would leave him about 15 years and 9 months old at the time of the incident.

But things weren't so straightforward. Other paperwork, such as a transfer certificate from a junior high school and a second school admission form, carried different birth dates, 17 September 1994 on one, 13 September 1996 on another. The key certificate in question (1995 birth) was, however, issued on a forged transfer certificate. One school has even verified that Parag never studied there. Faced with this mess of conflicting and possibly fraudulent

¹ Parag Bhati (Juvenile) Thr. Legal Guardian Mother-Smt. Rajni Bhati (2016) 12 SCC 744

documents, the Juvenile Justice Board ordered an ossification test—a kind of medical age test.

The test results indicated Parag was approximately 19 years old and over 18 on the date of the crime. The Board held that he was not entitled to be tried as a juvenile and sent the matter to a normal Sessions Court. Both the District Court and the High Court upheld this decision. Parag subsequently appealed in the Supreme Court.

ISSUES:

1. Can a matriculation certificate (Class X marksheet) be rejected if its authenticity is in doubt?
2. Is it lawful to rely on medical tests like ossification when the documentary evidence is found to be forged or unreliable?
3. Does the Juvenile Justice Act still offer protection if an accused, involved in a serious crime, fails to prove his age with valid documents?

WHAT THE COURT HELD?

The Supreme Court dismissed the appeal, thus confirming the conclusions of three different courts: the Juvenile Justice Board, the Sessions Court, and the High Court. If documentary evidence is proved to be either forged or open to doubt on its sources, these documents may be validly rejected. In these circumstances, the High Court considered that the Juvenile Court is fully justified in having a medical examination conducted to ascertain the age of such accused person. It was stressed by the court that even though a matriculation certificate had been presented, it could not be trusted.

That's because it was a forgery: the appellant never attended such schools! Given this fact the court also found as follows: this chain of documents was hacked in only one spot and failed to keep up with "true" evidence standard. Based on a competent Medical Board's ossification examination that found Parag Bhati could be no more than 20 years old, the Court held that he was not entitled to benefit from childhood. Its point of view was supported by a reference to *Om Prakash v. State of Rajasthan*², where it was made plain that if a document evidence was by nature not reliable or has been altered so as to confuse matters, then even the medical would be used for estimating age.

² Om Prakash v. State of Rajasthan, A.I.R. 1998 S.C. 1220; (1998) SCC (Cri) 696 (India)

The Court also drew on *Abuzar Hossain v. State of West Bengal*³, where it had been held that in the presence of fraudulent or non-genuine documents, the court need not hit must accept claim juvenility at its face value. The judgment also reiterated the ruling in *Ashwani Kumar Saxena v. State of Madhya Pradesh*⁴, where it was emphasized that in case there is any doubt about the authenticity documentary evidence to date birth, Board must make a careful enquiry.

SUPREME COURT'S REASONING

In finding the defendant guilty, the court said that it relied heavily on Rule 12 of Juvenile Justice (Care and Protection of Children) Regulations 2007⁵, which provides a clear hierarchy for determining the age of an accused. As per the rule, first preference will be given to matriculation (or equivalent) certificate. If that is not available or is found doubtful, then the birth certificate issued by the first attended school should be taken into consideration.

If both of these are absent, the birth certificate given by a municipal authority or panchayat can be depended upon. Only when all these documents are either missing or not credible can the court direct medical examination to ascertain the accused's age. In this respect, the Supreme Court noted that although a matriculation certificate was produced, its validity crumbled when it was discovered to be based on a counterfeit transfer certificate.

Officials of the school in question testified that the defendant had never enrolled there, to begin with, so it could not have issued this certificate whose date of birth information is used as evidence. And so the base of documentary claim fell to pieces, the Board's decision to rely on ossification testing was upheld. The Court further reinforced the behind the bottom line, which juvenile justice may not turn into alibi for criminals over eighteen involved in the cruellest crimes.

Knowledgeable about the Juvenile Justice Act as a safeguarding piece of legislation to reform behaviour, this must also imply that not everybody has the right to its benefits. What is more, in such serious cases as murder, the court is needing to be especially vigilant if they are not going on indeed to hand out these same protections.

³ *Abuzar Hossain v. State of W.B.*, (2012) 10 S.C.C. 489 (India)

⁴ *Ashwani Kumar Saxena v. State of M.P.*, (2012) 9 S.C.C. 750 (India)

⁵ Juvenile Justice (Care and Protection of Children) Rules, r. 12, G.S.R. 679(E), Gaz. of India, Oct. 26, 2007.

This prudent modification also stands in line with decisions like *Jarnail Singh v. State of Haryana*⁶. In this case, the Court ruled that--when reliable documentary evidence is not available--a physician's medical opinion is one valid means for estimating age. Clearly such reversion to first principles also derives from *Pratap Singh v. State of Jharkhand*⁷. Here it was agreed that certain safeguards had to be extended to real juveniles but adult criminals should not take shelter behind the legal fortification.

ANALYSIS AND CRITICAL REFLECTION

It comes just in time, as a correct curb to the misuse of juvenile justice laws involving serious crimes. The Juvenile Justice Act aims to reform infant impostors but does not want to see real juveniles branded as adults. The court can hardly be more just--young people must be protected under the law without justice ruined. But ossification tests nonetheless continue to block the right of offspring and establish age ambiguities. This is because the tests on ossification are still oddball. For one, they have a margin of error of about two years; for another, who should know it?

The Court's stance on ossification tests--that they should come into play only when documents are missing or clearly unreliable--strikes a careful, middle course. It raises the bar of evidence that the proof of age would need to meet, and it makes learning about fabricated claims of juvenility of no use anymore and thereby strengthening the system of justice. The case highlights a systemic issue: false school records and transfer certificates are easily fabricated in areas with weak oversight. The judgment sets a strong precedent by requiring courts to verify the legitimacy and source of age-related documents, not just their content.

CONCLUSION

The case stands to be a major turning point in juvenile justice jurisprudence. It is a reminder that when laws exist to protect, they must not be allowed to hide the guilty when their protection is undeserved. The Supreme Court's ruling seems to be driven by a profound understanding of both the principle and letter of the Juvenile Justice Act. It means even though the law is compassionate, it is not blind. The decision is a reminder that when documents are forged or

⁶ Jarnail Singh v. State of Haryana, (2013) 7 S.C.C. 263 (India).

⁷ Pratap Singh v. State of Jharkhand, (2005) 3 S.C.C. 551 (India)

tampered with, the courts have a responsibility to and a right to go behind the pleadings. This is not just justice being done, but also justice being seen to be done.