

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.27148 of 2015 (O&M)
Date of Decision : 27.08.2015**

Mustakeem

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Munfaid Khan, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dated 06.06.2015 whereby the application filed by him under Section 49 for declaring him juvenile has been rejected.

In paragraph Nos.7, 8 and 9 of the impugned order the Court found that the petitioner was shown as Mustkeem son of Ali Mohd, but in the school record on the basis of which he was claiming to be juvenile, the name of the petitioner was shown as Mustkeem son of Bharti and that there was no evidence that Bharti and Ali Mohd. are the same person. The Court further observed in paragraph No.8 that the school certificate brought by him as evidence was very suspicious. After entry No.42 in the register,

there was no entry No.141 and entries No.43 to 142 were blank and there was no explanation for the entries in between. There were about 12 more blank pages for which there was no explanation. The endorsement by the Principal carried no date and no source was mentioned from which the date of birth was taken. In paragraph No.9, the Court further noticed that in that register it was shown that the petitioner had earlier studied in some other school prior to the joining of that school but the record from that previous school did not indicate that the petitioner had ever studied there. It is on a cumulative analysis of these factors that the trial Court rejected the prayer of the petitioner to be declared as juvenile.

Learned counsel for the petitioner has not been able to show how all these finding of facts are vitiated. He has only argued that the school certificate could not have been ignored. However, when I pointedly brought to his notice the judgments of the Hon'ble Supreme Court and that of this Court referred in the impugned order in the matters of *Alemelu vs. State represented by Inspector Police, 2011(1) RCR (Crl.) SC 498* and *Sunil Kumar vs. State of Haryana, 2008 RCR (Crl.) P&H 531* respectively, and asked him if there is any judgment setting aside the above said judgments, he has stated that he has not been able to lay his hand on any judgment which may have been taken a different view than the judgments referred above.

In the totality of circumstances, I am not persuaded to take a different view to that taken by the trial court.

Petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

August 27, 2015
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(AJAY TEWARI)
JUDGE