

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No.31064 of 2014
Date of decision: 15.01.2015

Karamjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.R.S.Rai, Senior Advocate with
Mr.Dilpreet Singh, Advocate
for the petitioner.
Mr.K.S.Aulakh, Assistant Advocate General, Punjab
Mr.S.K.Arora, Advocate for the complainant

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging order dated 31.7.2014 (Annexure P7) passed by the Court of revision, whereby the order dated 23.1.2014 (Annexure P6) passed by the Principal Magistrate Juvenile Justice Board declaring him not to be juvenile on the day of offence, has been upheld.

Heard.

During the course of arguments, it has transpired that initially, the order dated 6.10.2012 (Annexure P1) was passed by

the Magistrate whereby petitioner was declared a juvenile. Admittedly, when the said order was passed, no opportunity was granted to the prosecution to counter the certificate Exhibit AW2/B produced by the petitioner in support of his plea that his date of birth is 13-8-1995. The Magistrate, however, later reviewed the said order vide order dated 23.1.2014 (Annexure P6) although, the Magistrate has no power to review its own order.

Faced with this situation, learned counsel for the parties have submitted that the impugned orders be set aside and the Magistrate be directed to pass a fresh order as to whether the petitioner is a juvenile or not by giving an opportunity to the petitioner as well as the prosecution to lead their respective evidence qua the date of birth of the petitioner.

Accordingly, this petition is allowed. Impugned orders dated 31.7.2014 (Annexure P7) and dated 23.1.2014 (Annexure P6) are set aside. The Magistrate is directed to pass a fresh order to the effect as to whether the petitioner was a juvenile or not at the time of occurrence by permitting the petitioner as well as the prosecution to lead its evidence qua the date of birth of the petitioner.

**(SABINA)
JUDGE**

January 15, 2015
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