

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

CRR 3924 of 2012

Date of Decision : October 19, 2015

State of Haryana

.....Petitioner

VERSUS

Neeraj @ Nitu

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Mr. Praveen Bhadu, Asstt. A.G., Haryana.

None for the respondent.

T.P.S. MANN, J. (Oral)

The State of Haryana has filed the present revision under Section 401 Cr.P.C. for challenging order dated 10.8.2010 passed by learned Additional Sessions Judge, Rohtak, whereby, the respondent, namely, Neeraj @ Nitu was declared to be a juvenile in conflict with law.

In support of his stand that he was born on 2.2.1992, the respondent had placed reliance upon Secondary School Examination Certificate dated 12.6.2008 issued by the National Institute of Open Schooling. The said certificate is the one, which is, envisaged under Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 to be taken into consideration in determining the age of a juvenile in conflict with law. Accordingly, as the respondent was born on 2.2.1992, he was less than eighteen years of age on the date of occurrence, i.e. 31.10.2008 and, thus, the respondent has rightly been declared to be a

juvenile in conflict with law.

The reliance of the State on the affidavit (Annexure-P1) executed by the respondent's father and the admission form (Annexure P-2) of Maharishi Dayanand Public School, Bawana, Delhi, wherein the date of birth of the respondent was stated as 5.8.1998 is mis-placed as none of these documents were produced or adverted to by the State before the trial Court. Even otherwise, none of the these two documents is envisaged under Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007. Moreover, HC Naresh Kumar, who was examined by the State before the trial Court did not dispute the factum of date of birth of the respondent as reflected in the documents Ex.A1 to A8 before the said Court.

As the respondent was less than eighteen years of age on the date of occurrence, i.e. 31.10.2008, the respondent has been rightly declared to be a juvenile in conflict with law.

Under these circumstances, no case is made out for any interference in the revision.

The revision is, therefore, dismissed.

(T.P.S. MANN)
JUDGE

October 19, 2015
amit rana

(GURMIT RAM)
JUDGE