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

**CRR No.114 of 2015**

**Date of Decision: January 14, 2015.**

Sushma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Varinder Chhibbar, Advocate  
for the petitioner.

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**SABINA, J.**

Petitioner has filed this petition challenging the order dated 17.12.2014.

Learned counsel for the petitioner has submitted that in fact, respondent No.2 was a major at the time of occurrence and has been wrongly declared a juvenile by the Appellate Court.

Respondent No.2 is facing trial in FIR No. 1013 dated 19.12.2013, under Sections 498-A, 406, 506, 376-D, 377, 323, 342 and 120-B of Indian Penal Code, 1860 and Sections 5, 6, and 9 of Immoral Traffic (Prevention) Act, 1956, registered at Police Station City Jind. During the pendency of the trial, respondent No.2 moved an application that she be declared a juvenile. The said application was dismissed by the trial Court vide order dated 29.09.2014. The said order was challenged by way of an appeal and the said appeal was allowed vide order dated 17.12.2014. Hence, the present

petition by the complainant.

The Appellate Court while declaring the respondent No.2 a juvenile has placed reliance on middle examination certificate Exhibit A-1 as well as secondary examination certificate Exhibit A-2. Although, name of the respondent No.2 had been mentioned as Pooja in the challan, but the documents proved on record were having photographs of respondent No.2. The plea of respondent No.2 was that, in fact, her real name was Muskan Sharma and Pooja was her nick name. Since the certificates produced on record by respondent No.2 were having the photographs of respondent No.2, the learned trial Court rightly placed reliance on Exhibits A-1 and Exhibit A-2 while declaring respondent No.2 a juvenile. It is evident from the order dated 29.09.2014 that the Assistant Public Prosecutor for the State was duly assisted by the counsel for the complainant. However, prosecution had failed to lead any evidence in rebuttal to establish that respondent No.2 was a major at the time of occurrence. Thus, the certificates Exhibits A-1 and A-2 remained unrebutted.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)  
JUDGE**

**January 14, 2015**  
*m.singh*