

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1702 of 2015 (O&M)

Date of decision: 3.8.2015

Manoj Kumar @ Mannu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjeev Kumar Panwar, Advocate for the petitioner.

Rajan Gupta, J.

This is a revision petition preferred against the order dated 1.4.2015, passed by Additional Sessions Judge, Palwal, whereby application moved by the petitioner for declaring him as juvenile has been dismissed.

Learned counsel for the petitioner has argued that the order passed by the Additional Sessions Judge is palpably wrong as he ignored from consideration the relevant evidence which would clearly show that petitioner was less than 18 years of age on the date of incident and thus, he was a juvenile at that time. Learned counsel has referred to school certificate of the petitioner wherein his date of birth is shown as 18.5.1995. He submits that from a perusal of the said certificate, there is no room of doubt that the petitioner was a juvenile at the time of commission of crime.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It is evident from a perusal of the impugned order that the trial court examined the entire evidence available before it and came to the conclusion that petitioner was not a juvenile when the crime was committed. There are two school certificates of the petitioner on record. In 10th class certificate date of birth is mentioned as 18.5.1995. However, the record of Class 1st where petitioner was first admitted in his school, has been proved by producing Ex.R1 and Ex.R3 wherein date of birth of the petitioner is recorded as 9.4.1993. The petitioner had to explain why in Ex.R1 his date of birth has been recorded as 9.4.1993 and subsequently while appearing in the Board examination it is recorded as 18.5.1995. He had to prove the aforesaid fact by leading cogent evidence. It reveals that subsequently, the date of birth in the matriculation certificate is appearing on the basis of information given by the petitioner himself, as the petitioner appeared in his board examination on 9.6.2014 and the date of occurrence in the present case is 15.4.2013.

I do not find any infirmity with the order passed by the trial court. In my considered view, there is no ground to interfere with the order passed by the trial court. There is no merit in the present revision petition.

Dismissed.

(RAJAN GUPTA)
JUDGE

3.8.2015
'Rajpal'