

CRR-2205-2015 (O&M)

[1]

In the High Court of Punjab and Haryana at Chandigarh.

CRR-2205-2015 (O&M)
Date of Decision:22.09.2015

Rahul

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashit Malik, Advocate,
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Ramesh Sharma, Advocate,
for respondent No.2.

SABINA, J.

Petitioner has filed this petition challenging the order dated 29.05.2015, whereby, revision petition filed by respondent No.2 was allowed.

Petitioner is facing trial in FIR No.478, dated 03.11.2014, under Sections 376, 452 and 506 of the Indian Penal Code, 1860, registered at Police Station Kharkhoda. During the pendency of the trial, petitioner has moved an application for declaring him juvenile. The said application was allowed by the Juvenile Justice Board vide order dated

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01.04.2015 (Annexure P-4). The order passed by the Juvenile Justice Board was set aside by the court of revision vide impugned order dated 29.05.2015.

Learned counsel for the petitioner has submitted that the court of revision had discarded the matriculation certificate produced on record by the petitioner on the ground that the original had not been produced on record, whereas, original had been shown at the time of exhibition of the photocopy of the certificate in question.

During the pendency of this petition, respondent No.2 has placed on record certificate, Annexure R-3, issued by Board of School Education, Haryana, wherein, the date of birth of the petitioner has been shown as 20.06.1994. As per the matriculation certificate relied by the petitioner his date of birth has been shown as 12.12.1998.

Faced with this situation, learned counsel for the petitioner as well as counsel for respondent No.2 have submitted that impugned order dated 29.05.2015 be set aside to enable the parties that the orders passed by the Juvenile Justice Board as well as the court of revision be set aside and the Juvenile Justice Board is directed to pass a fresh order in accordance with law.

Accordingly, orders dated 01.04.2015 and

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29.05.2015 are set aside and the Juvenile Justice Board is
directed to pass a fresh order in accordance with law.

Petition stands disposed of, accordingly.

September 22, 2015

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(SABINA)

JUDGE