

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRR-3040-2015 (O&M)
Date of decision:15.9.2015

Ruby

...Petitioner

Versus

State of UT Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.G.S.Ahluwalia, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

CRM-30228-2015

Applicant seeks to place on record zimni orders Annexure P-19 (colly) to Annexure P-22 (colly) and also the legible copies of Annexures P-6 and P-7.

Application is allowed, as prayed for. Documents are permitted to be placed on record.

CRM stands disposed of.

Main case

Instant criminal revision petition is directed against the impugned order dated 26.5.2015 passed by the learned Principal Magistrate, Juvenile Justice Board, Chandigarh, whereby respondent No.2 was declared juvenile.

Learned counsel for the petitioner submits that the learned Principal Magistrate, Juvenile Justice Board, Chandigarh has wrongly relied upon the birth certificate, issued by the Registrar, Births and Deaths. He further submits that school record should have been given preference, while

deciding whether respondent No.2 was entitled to be declared as juvenile or not. In support of his contentions, he places reliance on a judgment of the Hon'ble Supreme Court in **Sikander Mahto v. Tunna @ Tunnu Mian @ Tunna Mian @ Mobin Ansari and another, 2014 (4) SCC 28**. He prays for setting aside the impugned order, by allowing the present petition

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the totality of facts and circumstances of the case, present one has not been found to be a fit case, warranting interference at the hands of this Court, while exercising its revisional jurisdiction, which itself is a limited one. To say so, reasons are more than one, which are being recorded hereinafter.

A careful perusal of the impugned order would show that the learned Principal Magistrate, Juvenile Justice Board, Chandigarh has proceeded on a factually correct and legally justified approach, while discussing each and every relevant aspect of the matter, before arriving at a judicious conclusion. The argument raised by the learned counsel for the petitioner that school record ought to have been given preference over and above the official record maintained by the Registrar, Births and Deaths, is to be noted to be rejected. It is so said, because it is not even the argued case on behalf of the petitioner that respondent No.2 had any role to play in the maintenance of the official record, which was the basis of his birth certificate. Once the correctness, authenticity and genuineness of the said record has not been doubted by anybody, including the petitioner so far, the learned Principal Magistrate, Juvenile Justice Board, Chandigarh committed

no error of law, while passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or jurisdictional error in the impugned order, so as to convince this Court to take a different view than the one taken by the learned Principal Magistrate, Juvenile Justice Board, Chandigarh. Further, the Juvenile Justice (Care and Protection of Children) Act, 2000 (‘the Act’ for short) as well as the statutory rules made thereunder are meant for advancing the cause of justice. Statutory benefits arising out of the relevant provisions of law contained in the Act as well as in the rules made thereunder are meant for granting in favour of juvenile, so as to achieve the objects of the Act and statutory rules.

Coming to the judgment relied upon by the learned counsel for the petitioner, there is no dispute about the law laid down therein. However, on close perusal of the cited judgment, the same has not been found of any help to the petitioner, it being distinguishable on facts. Further, it is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others**, 2002 (3) SCC 533.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noticed above, coupled with the reasons aforementioned, this Court is of the considered view that the instant criminal revision petition is wholly

misconceived, bereft of merit and without any substance, thus, it must fail.

No case for interference has been made out

Resultantly, with the above-said observations made, the present petition criminal revision petition stands dismissed, however, with no order as to costs.

15.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE