

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

CRR No. 3511 of 2014(O&M)

Date of Decision :30.01.2015

Bhupinder Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. APS Deol, Sr. Advocate with
Mr.D.S.Matya, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.AG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This revision has been filed against the order of the learned Additional Sessions Judge, Sri Muktsar Sahib dated 14.10.2014 whereby the application of the petitioner claiming juvenility during the pendency of his appeal was dismissed.

On 18.11.2014 the following order was passed:-

“ Learned State counsel has argued that even if the date of birth canvassed by the petitioner is taken to be correct, yet the criminal breach of trusts/misappropriation took place when he

had obtained majority and therefore, this plea would be of no avail.

Learned counsel for the petitioner seeks some time to respond and prays that since the appeal is fixed for final hearing for tomorrow before the Appellate Court and may be directed to adjourn the case beyond the date fixed by this Court or any other date convenient thereto.

Adjourned to 19.01.2015.

The Appellate Court is directed to adjourn the case beyond the date fixed by this Court.”

On 19.01.2015 the following order was passed:-

“ This petition has been filed against the order of the Appellate Court dismissing the application filed by the petitioner to declare him as a juvenile.

Learned Senior counsel for the petitioner has argued that a bare perusal of the register (which the Court below has discarded) clearly reveals that even though the register was not page marked and even though the witness had not personally filled it yet the same gives a clear indication that the entry was made in the regular course of business and it was not suggestive of any tampering. In the face of this evidence, the fact that the petitioner did not have any school certificate to verify his age would pale into insignificance.

A perusal of the photocopy of the register Ex.AW1/A does tend to advance the argument raised by the learned Senior counsel for the petitioner. Even the learned Assistant Advocate General has had to accept that the entries are made serially and there is no indication that the relevant entry was interpolated in the register.

Consequently, the date of birth of the petitioner as 16.03.1984 has to be taken to have been established.

However, the learned Senior counsel for the petitioner seeks a short adjournment to address the issue raised by the learned State counsel on the last date of hearing.

Adjourned to 30.01.2015.

Interim order to continue.”

Today learned senior counsel has argued that an offence of this

nature is continuing offence and , therefore, benefit should be granted to the petitioner. Learned Addl.AG has, however, argued that the appeal of the petitioner is pending and this issue should be left to the Appellate Court to be decided. Learned senior counsel has accepted this.

In this view of the matter this revision is disposed of with the finding that the entry in the birth register relied upon by the petitioner is taken to have been established. As regards the issue raised by learned Addl.AG the same would be gone into by the Appellate Court while deciding the main appeal.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

January 30, 2015
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