

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3729 of 2015 (O&M)****Date of Decision: October 13, 2015**

Shiv Parkash

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Ashok Kaushik, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Shiv Parkash against respondents State of Haryana and Bhola @ Devender, challenging the impugned order dated 20.11.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Palwal, vide which the application filed by the petitioner for making enquiry regarding the age of Bhola @ Devender was dismissed and also challenging the order dated 11.08.2015 passed by learned Addl. Sessions Judge, Palwal, vide which appeal filed by petitioner was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the complainant-petitioner filed an application for making enquiry regarding the age of Bhola @

Devender. It is mainly stated in the application that date of birth in the school certificate i.e. 25.08.1996 is wrong whereas said Bhola @ Devender Singh was major on the date of occurrence i.e. on 26.03.2014. The date of birth of Pradeep Kumar, who is younger brother of Bhola @ Devender is recorded as 08.10.1996 in the records of Addl. District Registrar, Birth and Death, Faridabad. It is further stated in the application that in the ration card Bhola @ Devender has been shown as three years elder than his younger brother, therefore, Bhola @ Devender might have born in the year 1993.

In the reply, it is stated that date of birth of brother of Bhola @ Devender is 25.07.1999 as per the matriculation certificate and it is argued that the date of birth in the middle school examination issued by Board of Secondary Education, Haryana is genuine

Learned Principal Magistrate, Juvenile Justice Board, Palwal, after discussing the evidence on record and also Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, held that the Court, for the purpose of determining the age in the enquiry is to see the date of birth in the matriculation or equivalent certificate, if available and in the absence thereof, the date of birth is to be seen from the school first attended and in the absence of that record, then to see the birth certificate issued by Corporation, Municipal Authority or Panchayat. Learned Principal Magistrate after discussing the evidence and law in right perspective, relied upon the certificate issued by Board of Secondary Education, Haryana. It is

also discussed by the Magistrate that birth certificate of Bhola @ Devender has not been produced by the applicant for the reasons best known to him. The Board also held that the applicant failed to prove reasonable doubt that name of younger brother of Bhola @ Devender was Pradeep and not Praveen. The age mentioned in the ration card cannot be given more weightage than the date of birth given in the school certificate. The school certificate of Praveen was also placed on record, in which the date of birth has been shown as 25.08.1999.

Aggrieved from the above order, an appeal was filed by the petitioner under Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and learned Addl. Sessions Judge, Palwal, dismissed the appeal vide order dated 11.08.2015, by discussing the law laid down by the Hon'ble Supreme Court and also the evidence.

Aggrieved from the above-said orders, present revision petition has been filed by the petitioner-complainant.

First of all, it is a revision petition and in the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal. Nothing has been pointed out as to how the orders passed by the Courts below are illegal or perverse. Nothing has been pointed out as to which evidence has been misread or which material evidence has not been considered by the Courts below. There is nothing on the record to show that the findings given by the Courts below are perverse or against the evidence and law.

In view of the above discussion, I find that the evidence has been appreciated in right perspective by the Courts below and the orders passed by learned Courts below do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

October 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE