

110-A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3741 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 SINGH

Present: 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 Balbir @ Balli, challenging the impugned order 20.11.2014 passed by learned Judicial Magistrate 1st Class, Palwal, vide which Balbir @ Balli was declared as Juvenile and also challenging the order dated 11.08.2015 passed by learned Addl. Sessions Judge, Palwal, vide which appeal filed by petitioner against the order dated 20.11.2014, was dismissed.

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

The brief facts of the case are that an application under Section 7A read with Rule 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 was filed by applicant/accused Balbir @ Balli, for declaring him juvenile. It is stated in the application that as per the FIR, the incident took place on 26.03.2014. The date of

birth of the applicant is 15.06.1996 as per secondary examination certificate issued by Board of Secondary Education, Haryana. As such, on the date of occurrence, applicant-accused was minor being less than 18 years of age and he prayed for declaring him as juvenile.

In the reply, the complainant (present petitioner) stated that accused was first admitted in the Government Primary School, Ghughera by his parents and his date of birth was mentioned as 18.09.1992. The date of birth of accused is recorded as 01.09.1992 in the register of Registrar, Birth and Death, Faridabad. It is further stated in the reply that accused and his parents have committed a fraud while admitting Balbir @ Balli in National Happy School, which is a private school and the school authorities in collusion with the applicant and his parents and without seeking any authentic proof of date of birth of accused and without taking any transfer certificate from the school attended by the accused, illegally and wrongly recorded the date of birth of accused as 15.06.1996.

Learned JMIC, 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 Magistrate after discussing the evidence and law in right perspective,

relied upon the certificate issued by Board of Secondary Education, Haryana and declared Balbir @ Balli as juvenile.

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**