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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : 20th MAY, 2015

+ **CRL.REV.P.669/2014 & CRL.M.A.No.17113/2014**

DEEPAK

..... Petitioner

Through : Mr.Kamal Nagar, Advocate.

VERSUS

STATE (NATIONAL CAPITAL TERRITORY OF DELHI)

..... Respondent

Through : Ms.Kusum Dhalla, APP.
SI Manoj, PS Bhalaswa Dairy.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

1. Present revision petition has been preferred by the petitioner to challenge the legality and correctness of an order dated 18.09.2014 of learned Addl. Sessions Judge whereby application under Section 7A of the Juvenile Justice (Care & Protection of Children) Act, 2000 filed on his behalf was dismissed with costs. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner claims juvenility on the date of incident. It is claimed that his date of birth is 04.12.1992 as recorded in the School Admission Register in Sant Nirankari Boys Senior Secondary School, Sant Nirankari Colony, Delhi, where he took admission for the first time. This document could not be produced in the earlier enquiry as the petitioner, who was in custody, could not collect it.

3. It is a matter of record that the petitioner had claimed himself to be juvenile earlier on 19.02.2011. The Trial Court conducted Ossification Test for determination of his age. Order dated 26.02.2011 reflects that petitioner's father – Ram Mehar had relied upon a Birth Certificate allegedly issued by the Registrar of Birth and Death. When he was asked to furnish the original, he failed to produce it. When he was told as to why he should not be prosecuted for filing false / forged document, he voluntarily tendered apology and prayed to take lenient view. Keeping in view the apology voluntarily tendered by him, he was sentenced to pay a fine ₹ 200/- which was deposited. It is relevant to note that on enquiry, it was found that no such Birth Certificate was issued by the competent authority.

4. Subsequently, further enquiry was conducted pursuant to the orders of this Court in Crl.Rev.P. 156/2011. By an order dated 10.04.2012, the Trial Court found that the petitioner was not juvenile. Revision petition against the order dated 10.04.2012 was dismissed by this Court. When the case was fixed for final arguments, the instant application was moved. The Trial Court for valid and cogent reasons dismissed the application suspecting the genuineness of the date of birth recorded in the School Leaving Certificate which was never produced / relied upon by the petitioner. As per the School Leaving Certificate, the petitioner was allegedly studying in 7th class. However, while taking admission on the basis of oral test in Bhopal Singh Public Junior High School Bhagot, District Bhagpat, U.P., it was claimed that the petitioner had not studied anywhere and was taking admission for the first time in the said school. Moreover, the admission in the said school was taken in 5th Standard and the date of birth recorded was 04.12.1993. It is unbelievable that the petitioner or his family members were not aware about the petitioner having got his studies at Sant Nirankari Boys Senior Secondary School, Sant Nirankari Colony, Delhi, till 7th Standard. Moreover, the Birth Certificate issued by the competent authority to seek

admission in the said school was found fake so any date of birth recorded in the said school even on that basis is inconsequential.

5. In the light of above discussion, I find no merit in the revision petition and is dismissed. Pending application also stands disposed of. Trial Court record be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

MAY 20, 2015 / tr