

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

CRR No.1672 of 2008

Date of decision: 22nd April, 2016

Krishan Lal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jarnail S. Saneta, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for respondent No.1.

Mr. Nishant Raj, Advocate
for respondents No.2 and 3.

FATEH DEEP SINGH, J.

The learned Chief Judicial Magistrate-cum-Principal Magistrate, Juvenile Justice Board, Panipat tried Amit and Sumit @ Kala, respondents No.2 and 3 respectively in this revision petition, in a case bearing FIR No.261 dated 12.07.2005 under Sections 302/323/34 IPC read with Section 25 of the Arms Act pertaining to Police Station Chandni Bagh, Panipat. It is through judgment dated 20.02.2008 the learned Juvenile Justice Board had found both the juveniles guilty of commission of offences under Sections 302/323/34 IPC. It was subsequent upon quantum of sentence, the learned Court has made the following observations:

“3. Keeping in view the fact that the delinquent-juveniles are first offenders and they are in the Observation Home for almost two years and during trial, their father has also died and they are repenting their act and hence, as provided under Section 15 of the Act, the guardian of the delinquent-juveniles i.e. their mother is directed to pay a fine of Rs.10,000/- each and the delinquent-juveniles are released on probation of good conduct and they are ordered to be placed under the care of their parents/guardian and in case, it is their mother and this would be on the mother executing bonds in the sum of Rs.20,000/- each without any surety for the good behaviour and well being of the delinquent-juveniles and this would be for the period of one year.”

It is this very finding that the complainant Krishan Lal has challenged by invocation of the jurisdiction of this Court in terms of Section 401 Cr.P.C. by way of criminal revision challenging the very order of grant of benefit of probation to these juveniles.

Heard Mr. Jarnail S. Saneta, Advocate for the complainant/petitioner; Mr. Munish Sharma, Asstt. Advocate General, Haryana representing the State/respondent No.1 and Mr. Nishant Raj, Advocate on behalf of respondents No.2 and 3.

From the arguments of the two sides, the very permissibility and legality of the findings as to the grant of benefit of probation to the private respondents No.2 and 3 is the rallying point in this controversy.

Section 6 of the Juvenile Justice (Care and Protection of Children) Act,

2000 (in short, 'the Act') lays down the powers of Juvenile Justice Board under which such a Board so constituted has the exclusive power to deal with all such proceedings under the Act relating to a Juvenile in conflict with law. Section 15 of the Act ensues as to the orders that can be passed regarding a Juvenile and under which sub-section (1) clause (e) provides that a Board can direct the Juvenile to be released on probation of good conduct and placed under the care of parent, guardian or any other fit person. Keeping in view that the Act is a special legislature to take care and to reform juveniles in the society who are in conflict with law and therefore, the provisions needs to be liberally construed. Having regard to the fact that special provisions have been enacted therein the Act for Child Welfare Committees whose sole aim and purpose is the rehabilitation and social reintegration of such juveniles for which the law has provided process of adoption, foster care, sponsorship and after care organizations as well as their linkages and coordination solely with a view to bring back the juveniles to the mainstream of society. It is in line with these provisions so enacted and the undisputed fact that both the private respondents No.2 and 3 are juveniles and who during the course of trial as has been observed by the Court below have lost their father, are matters which certainly need to be addressed in terms favourable to these juveniles.

Thus, in the totality of exercise of powers by the Board, there appears to be no illegality or perversity in the findings under challenge. Being devoid of merits, the present revision stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 22, 2016

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Whether to be referred to the Reporters or not?