

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1542 of 2015 (O&M)

Date of decision: 25.02.2016

Harpal

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sandeep Gahlawat, Advocate for the petitioner
Mr.Maheshinder Singh Sidhu, Addl.A.G. Haryana
Mr.Sanjay Vashisht, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 19.2.2015, passed by the learned Additional Sessions Judge, Palwal, vide which the accused Lalit was declared minor on the basis of the birth certificate received from the Registrar, Birth and Death, Aurangabad, District Palwal.

The learned Additional Sessions Judge, Palwal passed the following brief order:-

“Today the case was fixed for filing reply to the application moved by applicant-accused Lalit. Reply filed alongwith birth certificate received from the Registrar, Birth and Death, Aureangabad, District Palwal, in which it is proved that accused Lalit is minor at the time of

occurrence. Hence, the present application of applicant-accused is allowed and applicant-accused Lalit is hereby declared as juvenile. The investigating officer is directed to separate the challan of accused Lalit and same be sent to the Principal Magistrate, Juvenile Justice Board, Palwal on or before 4.4.2015.”

The perusal of the order shows that merely on the receipt of one certificate, the accused Lalit was declared juvenile offender in conflict with law. However, no inquiry was conducted under the Juvenile Justice (Care and Protection of Children) Act, 2015 so as to give opportunity to both the parties to lead evidence and to conclude whether evidence relied upon by either party is to be believed or not?

In these circumstances, the impugned order is set aside. The learned Additional Sessions Judge, Palwal is directed to hold an inquiry into the fact whether the accused Lalit is juvenile offender in conflict with law or not? In the inquiry, both the parties shall be given opportunity to lead evidence and thereafter a speaking order will be passed.

The petition stands allowed.

Both the parties are directed to put in appearance before the learned Additional Sessions Judge, Palwal within two weeks from the date of passing of this order for further decision.

25.02.2016
gk

(Kuldip Singh)
Judge