

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR 2156 of 2015 (O&M)

Date of Decision: October 19, 2016

AmitPetitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.U.K. Agnihotri, Advocate
for the petitioner.

Mr.Vikas Malik, DAG, Haryana.

Mr. Gobind Singh, Advocate for
Mr. P.S.Poonia, Advocate.

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M.M.S. BEDI, J. (ORAL)

An application filed by the petitioner for declaring him a juvenile has been dismissed by the trial Court.

Counsel for the petitioner has submitted that the case is listed for prosecution evidence for October 20, 2016 before the trial Court.

In view of said circumstances, I have taken up the present revision petition which has been filed to challenge the legality and propriety of the order dated May 5, 2015 dismissing the application of the petitioner for declaring him a juvenile. The petitioner had strongly relied upon birth certificate Ex.C1 wherein the name of the child born is mentioned as Rohit

son of Sukhbir resident of Sohti. The said certificate has been issued by MHC of Police Station Kharkhoda but no official had been produced to establish the authenticity of the birth certificate. The school certificate produced by the petitioner indicates his date of birth as October 11, 1997 which date is contradictory to the date shown in birth certificate. For the above said reasons, the Court below was not satisfied with the status of the petitioner as juvenile.

After hearing counsel for the petitioner at length, I do not deem it appropriate to interfere in the order passed by the Court below dismissing the application of the petitioner to declare him as a juvenile for want of production of relevant material information from the department which had issued the birth certificate with cutting in the name of the person and in the date of birth. I have seen the photocopy of the birth certificate. I do not deem it appropriate to remand the case for further inquiries regarding the authenticity of the birth certificate which has been strongly relied upon by the petitioner but I am of the opinion that a person claiming himself to be a juvenile can establish his status at any stage of the trial or at any other stage subsequent thereto. The status of the petitioner being a juvenile is ordered to be kept open to be adjudicated upon at the final hearing of the trial without prejudice to the rights of the petitioner to produce cogent evidence to establish the birth certificate in accordance with law at the stage of production of defence evidence.

This petition is disposed of with above said observations/directions.

The controversy regarding the status of the petitioner as a juvenile, the order dated May 5, 2015 will not be an obstruction at the time of appreciation of evidence including the evidence regarding the status of the petitioner as a juvenile.

October 19, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.