

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1721 of 2016 (O&M)
Date of decision: May 06, 2016

Abbas ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjeev Kumar Bawa, Advocate for the petitioner.

Rajan Gupta, J.

This is a revision petition preferred against the order dated 19.4.2016, passed by Sessions Judge, Mewat, whereby application moved by the petitioner for declaring him as juvenile has been dismissed.

Learned counsel for the petitioner submits that the order passed by the court below is palpably wrong as it ignored from consideration the relevant evidence which would clearly show that petitioner was less than 18 years of age on the date of incident and thus, he was a juvenile at that time. Learned counsel has referred to certificate dated 15.12.2003 and identity card issued by National Institute of Open Schooling, Government of India, New Delhi wherein his date of birth is recorded as 16.8.1986. He submits that from a perusal of the said documents, there is no room of doubt that the petitioner was a juvenile at the time of commission of crime.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It is evident from a perusal of the impugned order that the trial court examined the entire evidence available before it and came to the conclusion that petitioner was not a juvenile when the crime was committed. Applicant/petitioner has failed to produce any record in support of certificate of Open School, therefore, same cannot be believed. He had to prove the aforesaid fact by leading cogent evidence. On the other hand, from a perusal of Ex.R-3 the School leaving certificate issued by Headmaster, Government Primary School Village Nai, District Mewat, it is clear that date of birth of the petitioner is 12.5.1979. Said certificate has gone unrebutted. It reveals that date of birth in the certificate Ex.R-3 has been entered on the basis of information supplied by parents of the petitioner.

I do not find any infirmity with the order passed by the trial court. There is no ground to interfere with the impugned order.

Dismissed.

(RAJAN GUPTA)
JUDGE

May 06, 2016
'Rajpal'