

Criminal Misc. No.35173 of 2015 in
Criminal Appeal No.S-770-SB of 2004

Dharmender Vs. State of Haryana

Present : Mr. Rahul Vats, Advocate
for the applicant/appellant.

Mr. Kapil Aggarwal, Addl. Advocate General, Haryana.

The applicant is seeking declaration that as he was born on 10.6.1986, he was a juvenile on the date of commission of the offence i.e. 6.3.2003, being 16 years, 8 months and 25 days old on the said date. In support of his plea he has placed reliance upon copies of matriculation certificate, driving licence and Aadhar Card, attached as Annexures A1, A2 and A3, respectively with the application. In all these documents the date of birth of the applicant stood mentioned as 10.6.1086.

Learned State counsel has already placed on record the affidavit of Shri Des Raj, HPS, Deputy Superintendent of Police, District Panipat, wherein he stated that the applicant was less than 18 years of age on the date of commission of the crime as he was born on 10.6.1986.

Pursuant to the directions issued by this Court on 25.7.2016, the Principal Magistrate, Juvenile Justice Board, Panipat has conducted an enquiry and after relying upon the

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material brought on record, come to the conclusion that on the date of commission of the crime, the applicant was 16 years, 8 months and 25 days old and, thus, a juvenile. Copy of the enquiry report stands appended with the appeal.

In view of the above, copies of the matriculation certificate, driving licence and Aadhar Card, Anexures A1, A2 and A3, respectively, are, hereby, taken on record as additional evidence. However, the benefit accruing to the applicant upon having been declared a juvenile shall be taken into consideration while disposing of the appeal.

The application is disposed of, accordingly.

May 24, 2017
amit rana

(T.P.S. MANN)
JUDGE