

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11451-2017

Date of Decision:- 03.04.2017

Robin Singh

....Petitioner

Versus

State of Haryana

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aman Pal, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 06.10.2016 (Annexure P-3), vide which the learned Juvenile Justice Board, Kaithal (hereinafter to be referred as 'the Board) ordered the petitioner to be tried as an adult in FIR No.11 dated 16.02.2016, under Sections 363, 376(D), 506, 34 IPC and Section 4 of POCSO Act, registered at Police Station Women, Kaithal; order dated 13.02.2017 (Annexure P-4) whereby an application under Section 19 of the Juvenile Justice Act, 2015 was decided and order of the learned Juvenile Justice Board has been upheld by the Special Court, Kaithal; and order dated 02.03.2017 (Annexure P-2) vide which notice of accusation has been

mentioned therein, by the learned Additional Sessions Judge-cum-Children Court.

In the present case during the course of preliminary assessment, the Board has examined three witnesses, namely, AW1 Ms. Parvesh Kumari, Psychologist, AW2 Ms. Nidhi Malik, Probation Officer and AW3 Ms. Nirmala, SHO. All the three said witnesses have given opinion that the petitioner was having mental capacity to commit the alleged offence and ability to understand the consequences of the act. Consequently, the Board after taking into consideration all the facts of the matter has held that the petitioner has mental and physical capacity to commit the alleged crime and is liable to be tried as an adult.

Learned counsel for the petitioner has placed on record the deposition of witnesses (Annexure P-9) Colly.) whereby as per the assessment done by the Legal-cum-Probation Officer, the juvenile was enough mature to understand the facts and circumstances of cases. The juvenile was pretending to be innocent. During the cross-examination, the Probation Officer has stated that petitioner Robin was a student of class 12th and his character in school and society was up to mark. He did not have the sense of understanding. It is incorrect that I cannot make opinion that the juvenile is sufficiently mature to understand the facts and circumstances of the case on the basis of questions asked by me.

After hearing the learned counsel for the petitioner, going through the statement made by the victim under Section 164 Cr.P.C. whereby she has specifically stated that the petitioner had come to her house and thereafter handed over her to other accused who had taken her in a Alto

Car and committed the crime upon her and after taking into consideration

the opinion given by the Board, the plea of juvenility of the petitioner is liable to be rejected and the impugned orders deserve to be and are hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed as such.

April 03, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No