

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

249

**CRM-M-1860 of 2017 (O&M)
DATE OF DECISION: 28.11.2017.**

Sukhbir

....Petitioner.

VERSUS

State of Haryana and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rao Ajender Singh, Advocate for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Ms. Sumanjit Kaur, Advocate for respondent No.2.

Shekher Dhawan, J. (Oral)

Present petition under Section 482 Cr.P.C. is for challenging the impugned order dated 21.10.2014 passed by learned Additional Sessions Judge, Rewari, vide which respondent No.2 has been declared as juvenile in case FIR No.11 dated 22.01.2014, under Sections 302, 34 IPC and Section 25 of the Arms Act, registered at Police Station Kasola, District Rewari.

Learned counsel for the petitioner contended that while passing the impugned order dated 21.10.2014, learned Additional Sessions Judge had not considered all the material and documents available on the file including Annexure P-5 i.e. Women/Student Attendance Register, indicating the date of birth of the sister of respondent No.2 as 09.01.1997 whereas the date of alleged occurrence is 21.01.2014 and if the same is taken into consideration, respondent No.2 was not a juvenile. Reliance in this regard placed upon the judgment of a co-ordinate Bench of this Court in

Shimil Kumar vs. State of Haryana 2013 (4) R.C.R. (Criminal) 16.

While arguing on this point, learned counsel for respondent No.2 contended that as per the procedure laid down in Rule 12 of The Juvenile Justice (Care and Protection of Children) Act, 2000 (for short, 'the Act'), the matriculation certificate is to be considered for determining the age and other documents can be considered by the Court if matriculation certificate is not available. The similar matter was before the Hon'ble Apex Court in case **Jarnail Singh vs. State of Haryana, 2013 (3) R.C.R. (Criminal), 644**, wherein it was observed that while determining the age procedure laid down under Rule 12 of the Act is to be taken into consideration and the impugned order has been passed in accordance with law.

In view of the above, there is absolutely no illegality or perversity calling for any interference by this Court in the impugned order. The present petition is without any merit and stands dismissed.

(SHEKHER DHAWAN)
JUDGE

28.11.2017.
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Whether speaking/reasoned	:	YES/NO
Whether reportable	:	YES/NO