

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

**CRR No. 1434 of 2016 (O & M)
Date of decision : 20.1.2017**

Rajesh

.....Petitioner

v.

State of Haryana

.....Respondent

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present : Mr. KDS Hooda, Advocate, for the petitioner

Mr. Vivek Saini, DAG, Haryana

Maresh Grover, J. (Oral) :

This revision is directed against the order dated 23.2.2015, negating the claim of the petitioner, to be a juvenile at the time of commission of the offence.

We notice from the impugned order that even though, certificate on record of Middle Examination was produced, yet the learned Court has not commented on it at all. Rather, it has gone on the premise that since law required production of Matriculation Certificate or equivalent thereof, and in the absence thereof, the certificate of the school first attended, no other certificate could be looked into.

We are of the view that in the absence of Matriculation Certificate, it was incumbent upon the Court to examine whatever material was there before it, particularly, when it pertains to record, issued by the Education Board

and the supporting certificate, to comment and form the opinion on this.

We, therefore, allow the revision and set aside the impugned order, as it is largely not addressing the core issue, and remit the matter back to Additional Sessions Judge, Hisar, for decision afresh, by taking into consideration the certificate of Middle Standard issued by the Board and the record pertaining to the examination, produced by the prosecution.

The needful be done as expeditiously as possible and not later than four months from the date of receipt of certified copy of this order.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

20.1.2017
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No