

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

CRR No.3496 of 2015 (O&M)
Date of Decision: March 30, 2017

Joginder Singh

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Mamli, Advocate
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Gaurav Jain, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against respondents State of Haryana and Kuljeet Singh, challenging the order dated 28.07.2015 passed by learned Addl. Sessions Judge, Fatehabad, vide which the application filed by respondent No.2 under Section 7(A) of the Juvenile Justice (Care and Protection of Children) Act, 2000, was allowed and he was declared as juvenile.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the revision.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

The perusal of the record shows that challan was presented against accused Kuljeet Singh and Surjeet Singh in case FIR No.379 dated 10.12.2006 under Sections 323, 324, 326, 427 and 506 read with Section 34 IPC. Learned SDJM, Tohana, convicted and sentenced both the accused. An appeal was filed by both the accused. During the pendency of the appeal, an application was filed appellant No.1 (present respondent No.2) under Section 7(A) of the Juvenile Justice (Care and Protection of Children) Act, 2000, for treating him as juvenile.

Learned Addl. Sessions Judge, Fatehabad by giving opportunity of being heard to the parties, declared Kuljeet Singh as juvenile vide impugned order dated 28.07.2015 and the judgment of conviction and order of sentence qua him were set aside and the Juvenile Justice Board was directed to proceed further and deal with the case qua Kuljeet Singh by holding enquiry against him. Aggrieved from the order dated 28.07.2015, present revision petition has been filed by the petitioner-complainant.

I have gone through the order order dated 28.07.2015 passed by learned Addl. Sessions Judge, Fatehabad. The petitioner-complainant relied upon the copy of ration card, whereas respondent No.2 Kuljeet Singh relied upon the DMC issued by Central Board of Education, Delhi, where his date of birth is shown as 27.05.1989 and on the date of occurrence i.e. 08.12.2006, he was aged 17 years 6 months and 11 days.

The perusal of the impugned order shows that even the verification was made by the Investigating Officer qua genuineness of the certificate. The certificate has been issued to Kuljeet Sigh before the date of occurrence. In no way, it can be held that this is a forged document or has

been obtained by adding wrong date of birth. The Court has discussed that as per Rule 12 framed under the Juvenile Justice Act, the school certificate whose authenticity has already been verified by the Investigating Officer, the claim of the applicant-appellant No.1 Kuljeet Singh is genuine and same is liable to be accepted.

In view of Rule 12 of the Juvenile Justice Act as well as verification by the Investigating Officer regarding genuineness of the document, it is clear that present-respondent No.2 was juvenile. No illegality has been committed by learned Addl. Sessions Judge, Fatehabad, while passing the impugned order.

In view of the above discussion, I find that the impugned order dated 28.07.2015 passed by learned Addl. Sessions Judge, Fatehabad, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

March 30, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No