

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

CRR-3474 of 2016

Date of decision: 13.01.2017

Lovepreet Singh @ Lovely

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sarbjit Singh, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed against the order dated 02.08.2016 passed by the Additional Sessions Judge, Gurdaspur, whereby application filed by the petitioner to declare him juvenile has been dismissed.

A perusal of the impugned order shows that in the matriculation certificate, date of birth of the petitioner is shown as 02.06.1997. At the same time, the prosecution has placed on record a certificate issued by the Registrar (Birth & Death), Gurdaspur as Ex.RW-2/C. This certificate was based on the record of the Corporation, which was proved on record Ex.RW-2/A and Ex.RW-2/B with the assistance of office of the Civil Surgeon. Before the trial Court, one Baljit Singh appeared on behalf of the office of Civil Surgeon, Gurdaspur as RW-2 and made a statement on 16.05.2016 (Annexure P-11). He had brought the original birth register of the year 1996-1997, as per which, entry No.18 dated 03.06.1996 had been made in the name of Lovely son of Mohan Lal son of Dharam Pal, resident of Nawan Pind, Gurdaspur and his date of birth is 03.06.1996. A

report in this regard, was taken by SI Shanti, which has been proved on

record as Ex.RW-2/A and bears his signatures. On the basis of this information, the trial Court has rightly taken the date of birth of the petitioner as 03.06.1996, as the original register, which was being maintained in the office of Civil Surgeon, Gurdaspur, would have to be given preference to the matriculation certificate.

Learned counsel for the petitioner has referred to another date of birth certificate (Annexure P-12), which has been issued by the Chief Registrar, Births & Deaths, Punjab, in which date of birth of the petitioner is shown as 02.06.1997.

This certificate (Annexure P-12) cannot be accepted in view of the entry made in birth register of the year 1996-1997, original of which, was produced before the trial Court by Baljit Singh (RW-2). As per entry No.18 dated 03.06.1996, name of the child has been mentioned as Lovely son of Mohan Lal son of Dharam Pal, resident of village Nawan Pind, Gurdaspur. As per this entry, date of birth of the child is mentioned as 03.06.1996.

Keeping in view the above facts, the Court has rightly dismissed the application of the petitioner vide impugned order dated 02.08.2016. Accordingly, the impugned order does not suffer from any illegality or perversity warranting interference by this Court.

Dismissed.

13.01.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No