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

CRR No.713 of 2017

Date of decision: July 10, 2017

Kulpreet Singh @ Rubal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. G.B. Gilhotra, Advocate for the petitioner.

Ms. Samina Dhir, DAG Punjab.

Mr. Amandeep Singh, Advocate for respondent No.2.

A.B. CHAUDHARI, J (Oral)

Rule. Heard forthwith with the consent of learned counsel for the rival parties.

The date of incident is admittedly 07.06.2016 and on that date, admittedly the age of the petitioner is 16 years.

Learned counsel for the petitioner has pointed out to me that the amendment No.2 of 2016 of Juvenile Justice (Care and Protection of Children) Act, 2015, effective from 15.01.2016 and makes a grievance that the learned Sessions Judge has not considered the same at all and thus, non-consideration of the said amendment has resulted into miscarriage of justice to the petitioner.

I have perused the impugned order and upon hearing the learned counsel for the rival parties, I find that the amendment aforesaid is crucial and ought to have been considered by the trial

Court in the correct perspective. In my opinion, non-consideration of the said amendment, must vitiate the impugned order. Consequently, the matter will have to go back to the trial Court for fresh consideration and passing of fresh orders in the light of the said amendment.

In that view of the matter, CRR No.713 of 2017 is partly allowed. Impugned order dated 02.02.2017 is quashed and set aside. The trial Court is directed to reconsider the issue in the light of the amendment No.2 of 2016 of the Juvenile Justice (Care and Protection of Children) Act, 2015, within a period of 6 weeks from today and take appropriate decision according to law.

(A.B. CHAUDHARI)
JUDGE

July 10, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No