

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

CRR-968-2017

Date of decision: 14.03.2017

Harkesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Y.S. Rathore, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed against the order dated 23.01.2017 passed by the Additional Sessions Judge, Panchkula, dismissing an appeal filed by the prosecution, through the present petitioner, against the order dated 30.09.2016 passed by the Principal Magistrate, Juvenile Justice Board, Panchkula.

On 03.09.2016, the petitioner had filed an application for referring the case for trial to the Court instead of Juvenile Justice Board. This application was dismissed vide order dated 30.09.2016.

The incident, in the present case, had taken place on 14.01.2016 and amendment in Section 15 of the Juvenile Justice (Protection of Children) Act, 2015 (for short 'the Act') came into force on 15.01.2016. Thus, the incident had taken place only one day before amendment of the Act.

After going through the impugned orders, this Court is of the view that application as well as appeal of the petitioner have rightly been

dismissed by the Courts below as the offence is alleged to have been committed before enforcement of the New Act and the Juvenile Justice Board was not bound to ascertain as to whether the accused was adult or not. The benefit of amendment cannot be taken retrospectively.

Resultantly, no illegality much less perversity has been found in the impugned orders warranting interference by this Court.

Dismissed.

14.03.2017
ajp

(RITU BAHRI)
JUDGE

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