

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

115

CRM-M-27993-2018

Date of Decision: October 03, 2018

Ravi Karan @ Ravi Kant

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sanjeev Bishnoi, Advocate for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner is aggrieved by order dated 07.10.2017 (Anneuxre P-1) passed by the Juvenile Justice Board, declaring that the petitioner be tried as an 'adult'. The said order has been passed in case registered on the basis of an FIR No.538 dated 20.09.2016, under sections 302, 201 and 397 IPC.

2. The facts of this case are that the petitioner was arrested in FIR No.611, dated 10.10.2016 under section 25 of the Arms Act, 1959. In the said case, the petitioner made a confessional statement that he was also involved in case FIR No.538 dated 20.09.2016, under sections 302, 201 and 397 IPC. Vide order dated 23.05.2017, the petitioner was declared to be a juvenile in case FIR No.611 dated 10.10.2016. Thereafter, vide order dated 07.10.2017, the Juvenile Justice Board passed an order that the petitioner be tried as an adult in case FIR No.538 dated 20.09.2016.

3. The contention of learned counsel for the petitioner is two fold:-

a) that it is apparent from order dated 23.05.2017 that the petitioner

was produced before the Juvenile Justice Board on the same date whereas the order impugned was passed on 07.10.2017 which is beyond the period limitation specified in section 14(3) of the Juvenile Justice Act, (hereinafter referred to as the 'Act') . The period of limitation provided in the said provision is three months from the date on which the juvenile is first produced before the Juvenile Justice Board.

b) that once the petitioner had been declared a juvenile vide order dated 23.05.2017, there was no question of another enquiry being conducted under section 14(3) of the Act for the purposes of assessing whether he should be tried as an 'adult' or not?

4. Both the above contentions of learned counsel for the petitioner are misconceived and deserve to be rejected for the reasons mentioned hereinafter.

5. It is the case of the petitioner himself that order dated 23.05.2017 was passed in case FIR No.611 dated 10.10.2016. Thus, a direction given in the said case cannot be deemed to be a direction in FIR No.538 dated 20.09.2016. In FIR No.538 dated 20.09.2016, nothing has been produced on record to show that the order dated 07.10.2017 was passed beyond the period of three months provided in section 14(3) of the Act. So far as the second contention is concerned, section 14(3) of the Act is only for the purpose of an enquiry to determine whether the 'juvenile' is to be treated as an 'adult' or not? Merely because the petitioner had been declared a juvenile vide order dated 23.05.2017, the enquiry under section 14(3) would not be deemed to have been dispensed with. The question whether a person is to be treated as an 'adult' or not will arise only once the person has been declared to be a 'juvenile'. Moreover, the order dated 23.05.2017 was passed in

case FIR No.611 dated 10.10.2016 whereas the order impugned in the present case has been passed in FIR No.538 dated 20.09.2016 and thus, the order passed in a different FIR cannot be read into the present case.

6. In view of the above, the petition has no merit and is accordingly dismissed.

October 03, 2018

sonia arora

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	Yes