

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 3858 of 2013 (O&M)
Date of Decision: 04.9.2019

Vivek Yadav

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Aman Arora, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. R.S.Cheema, Senior Advocate with
Ms. Sumanjit Kaur, Advocate
for respondents No. 2 and 3.

AJAY TEWARI, J. (ORAL)

On 11.7.2019, following order was passed by this Court:-

“Learned senior counsel appearing for respondent No. 2 has argued that during the pendency of this petition (where the declaration of the respondents being juvenile has been challenged), proceedings before the trial court has been concluded and respondents No. 2 and 3 have been acquitted and consequently, the present petition has been rendered infructuous.

Counsel for the petitioner seeks a short adjournment to respond.

Adjourned to 28.8.2019.”

Learned counsel for the petitioner has argued that actually

respondents No. 2 and 3 were able to procure an order declaring them

juvenile on the basis of fraud. He is, however, not in a position to deny that the standard of proof required to convict an accused person would remain the same whether the trial is conducted in the Sessions Court; in a Magistrate's Court trying the warrant case ; in a Magistrate's Court trying a summons case or in an inquiry under the Juvenile Justice Act i.e. beyond reasonable doubt. He has also accepted that there is no limitation on the right of the prosecution to lead whatever evidence it may desire (subject to the provision of the Indian Evidence Act, 1872) before both Juvenile Justice Board and the regular Courts.

In the circumstances, the plea that respondents No. 2 and 3 were able to manage the order declaring them juvenile by fraud and, therefore, this revision should be allowed and subsequently they should be sent up for fresh trial, cannot be accepted as the same would be inderogation of Article 20 of the Constitution of India read with Section 300 Cr.P.C.

The petition is dismissed as having been rendered infructuous.

(AJAY TEWARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

September 04, 2019
Gurpreet

Whether speaking /reasoned : Yes
Whether Reportable : No