

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

122

CRR No.1594 of 2019 (O&M)

Date of decision : 10.07.2019

Jaidev

... Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Mohan Singh Chauhan, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 06.05.2019 passed by the Sessions Judge whereby the accused-respondent No.2 has been tried as a juvenile and the case has been referred to the Juvenile Justice Board for proceedings in accordance with law.

Learned counsel for the petitioner contends that respondent No.2 was charged under Section 304 of the IPC although initially the case was registered under Section 302 of the IPC. He further contends that the offence under Section 304 of the IPC would be covered in the definition of heinous crime and therefore, respondent No.2 should have been tried as an adult.

Heard.

The heinous offences have been defined in Section 2 (33) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as, 'the Act') which reads as under :-

“heinous offences” includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more;

It is, thus, manifest from the reading of the Section 2(33) of the Act that heinous offences are those offences which are punishable with a minimum imprisonment of seven years. The offence under Section 304 of the IPC is punishable with imprisonment upto life or which may extend to ten years but no minimum imprisonment has been prescribed therein. In the event of no minimum sentence of imprisonment being stipulated in Section 304 of the IPC, it cannot be said to be a heinous offence as described under the Juvenile Justice Act and therefore, I do not find any illegality in the order of the Sessions Judge for referring the proceedings to the Juvenile Justice Board.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

July 10, 2019
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No