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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3814/2018 & CrI. M.A. No. 49482/2018

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..... Petitioner

Through: Ms. Kiran Sharma, Advocate.

Versus

STATE & ANR.

.....Respondents

Through: Ms. Richa Kapoor, Additional Standing
Counsel for State with Ms. Amita Sachdeva,
Advocate W/SI Shalini, P.S. Madhu Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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08.01.2019

The petitioner is aggrieved by an order dated 13.11.2018, passed by the learned Special Judge (POCSO), Karkardooma Courts, Delhi, holding him to be a minor and subjecting him to the proceedings under the Juvenile Justice (Care and Protection of Children) Act, 2015.

It is the petitioner's case that the said order has erred inasmuch as the birth certificate issued by the Government of Delhi, shows the petitioner's date of birth as 03.12.1998, as against a Performance Report, issued by another school, showing his date of birth as 05.04.2003.

Ms. Richa Kapoor, the learned counsel for the State submits that the aforesaid document, purportedly issued by the Government of Delhi, will be looked into and the same will be verified. She further submits that the accused, a minor, in case FIR No.336/2018, registered under sections 376/376D/323/328/506/508 of the Indian Penal Code, 1860 and section 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, would be a necessary party to this petition.

In the circumstances, let the accused be impleaded as respondent No.3 in this petition, to be represented through his legal guardian i.e. father – Mr. Mohd. Aslam @ Haji Aslam, resident of B-50, Joshi Kaloni, Mandawali, Delhi – 110032. Amended Memo of Parties, referring to the accused merely as ‘Respondent No.3’, be filed before the next date of hearing.

Let notice, without process fee, be issued to the newly added respondent No.3, to be served upon his legal guardian at the aforesaid address, through the Investigating Officer, returnable on 06.02.2019.

Interim orders to continue.

A copy of this order be given *dasti* to the learned counsel for the parties under signature of the Court Master.

NAJMI WAZIRI, J.

JANUARY 08, 2019

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