

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

118

CRM-M-3622-2022

Date of Decision: 09.02.2022.

Krishan

....Petitioner.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

.....

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Through this petition, filed under Section 482 Cr.P.C., the petitioner has prayed for setting aside the impugned order dated 03.08.2016 in CIS No.JJB/84/2016 passed by Principal Magistrate, Juvenile Justice Board, Bhiwani (Annexure P-1), as well as order dated 15.12.2021 (Annexure P-2) passed by revisional Court in case FIR No.266 dated 21.05.2015 registered under Sections 323, 325, 326 (added later on) read with Section 34 Indian Penal Code, 1860 at Police Station Sadar Bhiwani, District Bhiwani, whereby the petitioner was declared as an adult.

Learned counsel for the petitioner has argued that since the matriculation certificate was not tendered in evidence by the accused/petitioner, who claimed himself to be a juvenile on the date of alleged occurrence, therefore, the application filed by the complainant challenging the stand of the police declaring the petitioner as juvenile was set aside by Juvenile Justice Board, Bhiwani vide order dated 03.08.2016 (Annexure P-1).

Learned counsel does not dispute this fact that during the pendency of the application, an opportunity was granted to the accused/petitioner to tender in evidence matriculation certificate, but the said opportunity was not effectively availed, therefore, the decision by the trial Court was delivered against him.

He has now filed this petition alongwith matriculation certificate and submits that the needful was not done by learned counsel for the petitioner before learned trial Court, therefore, the intervention of this Court is warranted.

During the course of hearing it is also not disputed by learned counsel that the criminal revision was filed by the petitioner on 07.12.2021 against the decision dated 03.08.2016 passed by Juvenile Justice Board, Bhiwani and the same was dismissed vide impugned order dated 15.12.2021 (Annexure P-2) on the ground of delay. Learned counsel further fairly states that the trial is now fixed for 14.02.2022 for final arguments.

Considering the above background and the advanced stage of the trial, this Court is not inclined to exercise the inherent power under Section 482 Cr.P.C.

Dismissed.

(MANOJ BAJAJ)
JUDGE

09.02.2022.

komal

Whether speaking/reasoned?	:	Yes/ No
Whether reportable?	:	Yes/ No