

In the High Court of Punjab and Haryana at Chandigarh

118

2023:PHHC:078527

CRM-M- 27941 of 2023

Date of Decision: 30.05.2023

Naval Kishore alias Deepak

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Saurabh Bansal, Advocate
for the petitioner

Ms. Dimple Jain, DAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition under Section 482 Cr.P.C. is seeking direction to Additional Sessions Judge, Fast Track Court, Faridabd to decide application filed under Section 34 of POCSO Act read with Section 94 of Juvenile Justice Act, 2015 seeking determination of age of the petitioner.

2. Learned counsel for the petitioner inter alia contends that petitioner was arrested on 21.05.2022 in FIR No. 60 dated 21.05.2022, under Section 342 IPC and Section 6 of POCSO Act, registered at Women Police Station, Central Zone, Sector-16, District Faridabad. The petitioner at the time of alleged incident was child, thus, he was supposed to be tried as juvenile whereas petitioner has been subjected to face trial as adult. The petitioner has moved an application seeking determination of age of the petitioner on 01.02.2023 and learned trial

Court has not adjudicated the said application.

3. I have heard learned counsel for the petitioner and perused the record.

4. From the perusal of record, it comes out that petitioner is resident of Patna, State of Bihar. The trial court on 03.05.2023 took up the matter and passed interim order. The next date before trial court is 02.06.2023.

5. This Court is not oblivious of the fact that trial courts are already over burdened. It is not appropriate on the part of High Court to direct the trial court to decide a particular case in a particular manner including in a time bound manner unless and until grave miscarriage of justice or abuse of process of law is there.

6. In the case in hand, there seems no reason to direct the trial court to decide application in a time bound manner.

7. In view of the above, the petition deserves to be dismissed and accordingly dismissed. The petitioner is at liberty to move an appropriate application before trial court.

(JAGMOHAN BANSAL)
JUDGE

30.05.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No