

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

CRR No.3106 of 2017 (O&M)
Date of decision: 24th February, 2023

Gurpreet Singh

... Petitioner

Versus

Lakhvir Singh @ Lakha

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. N.K. Manchanda, Advocate for the petitioner.
Mr. Arshdeep S. Brar, Advocate for the respondent.

MANJARI NEHRU KAUL, J.

CRM No.27747 of 2017

The instant application has been filed for condonation of delay of 146 days in filing the revision petition.

In the light of averments made in the application and in the interest of justice, the same is allowed and delay in filing the revision petition is condoned.

CRR No.3106 of 2017

The petitioner is impugning the order dated 06.01.2017 passed by learned Judicial Magistrate 1st Class, Moga vide which his application for declaring him a juvenile was dismissed.

Learned counsel for the petitioner contends that the impugned order is contrary to the statutory provisions and the Court below failed to interpret the provisions of Section 9 of the Juvenile

Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as, 'the Act') correctly. It has been submitted that the application of the petitioner had been declined merely on the ground that no witness was examined to prove the school leaving certificate and the register of the Chowkidar. He submits that since the Chowkidar of the village, who prepared the petitioner's birth certificate, had died, it was not possible to prove the said entry. While inviting the attention of this Court to the documents (Annexure P-4 to P-7), he has submitted that a perusal of these documents made it amply clear that the petitioner was a juvenile on the date of occurrence. Learned counsel, thus urged that in case the matter was remanded back, the petitioner would lead further evidence to substantiate his claim of juvenility.

Per contra, learned counsel for the respondent has controverted the prayer made by the counsel opposite that the petitioner was a juvenile on the date of alleged occurrence. He has submitted that the impugned order could not be faulted with and did not warrant any interference. However, the learned counsel did not oppose the prayer made by the learned counsel for the petitioner for remanding the matter back to the trial Court for fresh consideration of the claim of juvenility of the petitioner.

I have heard learned counsel for the parties and perused the relevant material on record.

A perusal of the impugned order reveals that the petitioner in support of his claim of juvenility, produced various documents, however, the Court below, for want of proof in support of the produced documents, dismissed his application.

Since the dispute in hand pertains to the juvenility of the petitioner, this Court deems it appropriate to grant an opportunity to the petitioner to lead further evidence in support of his plea of juvenility. Therefore, in view of the aforesaid, coupled with the no objection given by learned counsel for the respondent, the impugned order is set aside and the matter is remanded back to the Court concerned for its decision afresh in accordance with the provisions of law. The Court concerned shall decide the plea of juvenility of the petitioner expeditiously, preferably within a period of six weeks from this order.

Disposed of.

(MANJARI NEHRU KAUL)
JUDGE

February 24, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No