

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

**CRR-2371-2018 (O&M)
Date of decision: 04.12.2023**

JAGDISH CHAND

.....Petitioner

versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition is for setting aside the order dated 29.05.2018, whereby the application moved by respondent No. 2-Mohd.Akil Khan for declaring him as a juvenile in case FIR No. 21, dated 20.05.2017, registered at Police Station City, District Gurugram, under Sections 363, 366-A, 212, 109 and 328 IPC read with Section 120-B thereof, and Section 4 of the Protection of Children from Sexual Offence Act, 2012 and Section 3 of the Schedules Casts and Scheduled Tribes Act, 1989, has been allowed by the learned Additional Sessions Judge, Gurugram.

2. A perusal of the paper book transpires that the application filed by the respondent No.2-Mohd. Akil Khan, was earlier dismissed by the Court of learned Additional Sessions Judge, Gurugram, vide order dated 30.11.2017 (Annexure P-1) and his date of birth was held as 31.07.2002. The respondent challenged the said order before this Court by way of filing the petition bearing No. CRM-M-650-2018. The co-ordinate Bench, vide its order dated 19.02.2018 (Annexure P-2) while allowing the petition, remand the matter back before the trial Court for a decision

afresh on the application filed by the respondent, in accordance with law after

allowing an opportunity to him for leading evidence in respect to the school leave certificates.

3. Thereafter, the learned trial Court, vide its order dated 29.05.2018 allowed the application of respondent No. 2 and declared him as a juvenile.

4. Learned State counsel has informed that the present petition has become infructuous since respondent No.2 has been acquitted by the learned trial Court, vide its judgment dated 29.10.2019. A Copy of the status on the portal of District Courts, Gurugram, has also been filed by learned State counsel in Court today, which is taken on record.

5. In view of the above circumstances, the petitioner seems to have lost interest resulting to his non-appearance, as such, the present petition has been rendered infructuous and the same is dismissed for non-prosecution and having been rendered infructuous.

6. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

04.12.2023

 sim/n

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No