

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102 CRM-M-44156-2016 (O&M)
Date of Decision: 25.05.2023

RajjakPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE B.S.WALIA
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G. Haryana.

B.S.Walia, J. (Oral)

CRM-15062-2023

Application dated 15.03.2023 is for extension of time for
complying with order dated 16.01.2023 passed in CRM-M-44156-2016.

In view of order dated 24.04.2023 noticing that report dated
20.03.2023 had already been received from the learned Sessions Judge-cum-
Enquiry Officer, Nuh, and adjourning the case on request of counsel for the
applicant to enable him to go over the report, the application is allowed and
report taken on record. On request of learned counsel for the parties, the case is

taken on board for hearing today itself.

Main Case

Prayer in the petition under Section 482 Cr.P.C. was for seeking inquiry to determine the age of the petitioner namely Rajjak son of Majal, resident of Village Bisambera, Tehsil Chata, District Mathura, as contemplated under the Juvenile Justice (Care and Protection of Children) Act, 2000, for declaring him as juvenile in conflict with law.

2. Admittedly, the petitioner was convicted in case FIR No.277 dated 30.10.1995 for the commission of offences under Sections 148, 302, 307, 323 and 364 IPC read with Section 149 IPC, registered at Police Station Punhana, District Mewat (Nuh), vide judgment of conviction dated 08.09.2012 and order on quantum of sentence dated 10.09.2012 passed by the learned Additional Sessions Judge, Nuh.

3. CRA-D-443-DB-2013 against said judgment of conviction and sentence was dismissed by this Court, on 01.10.2013. Thereafter, no further challenge was raised by the petitioner. However, CRM-M-44156-2016 was filed with a plea that since the incident leading to the registration of the FIR had occurred during the intervening night of 30/31.10.1995 and date of birth of the petitioner was 06.07.1979, therefore, on the date of commission of offence, the petitioner was aged 16 years, 03 months and 25 days. Prayer was made for reference of the question with regard to juvenility of the petitioner to the competent authority. Vide order dated 16.01.2023 a coordinate Bench of this Court of which one of us was a member, (Hon'ble, Mr. Justice Lalit Batra,) disposed of the petition with a direction to the learned Sessions Court, Mewat at Nuh, to examine the claim of the petitioner with regard to juvenility in accordance with law and submit a

report to this court within one month from the date of communication of the order after examining the authenticity and genuineness of the documents sought to be relied upon by the petitioner, and in the event the documents were found to be questionable / unreliable, it would be open to the Sessions Court to have the petitioner medically examined by way of ossification test or any other modern recognized method of age determination and the Registry was directed to notify the matter after a period of one month along with the report on receipt of the same from the Sessions Court, Mewat at Nuh, with final order to be passed after perusal of the report from the Sessions Court, Mewat at Nuh.

4. Pursuant to enquiry, report dated 20.03.2023 has been submitted by the learned Sessions Judge-cum-Enquiry Officer, Nuh, holding that the documents relied upon were not found to be unimpeachable and were seriously questioned by the prosecution, therefore, ossification test of the petitioner was ordered and in view of report of ossification test, petitioner – Rajjak son of Majal was found to be aged 22 years at the time of incident i.e. on 30.10.1995.

5. Copy of the aforementioned report was supplied to learned counsel for the petitioner on 24.04.2023, whereupon learned counsel for the petitioner had sought time to make submissions.

6. Today, at the outset, learned counsel for the petitioner states that in the circumstances nothing further survives in the petition and he would take steps in accordance with law with regard to the grievance, if any, of the petitioner qua the report submitted by the learned District and Sessions Judge, Nuh.

7. In view of the position noted above as well as statement of learned counsel for the petitioner, the instant petition is disposed of as not calling for any further orders while granting liberty to the petitioner as prayed for.

(B.S.WALIA)
JUDGE

25.05.2023

Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No