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

CRR-1234-2019**Date of Reserve:27.04.2026****Date of Decision:08.06.2026**

Ramesh @ Kali

...Petitioner

Vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

Mr. Baljinder Singh Virk, Advocate
for respondent No.2.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned order dated 08.05.2019, passed by the Court of Sessions Judge, Panipat and impugned dated 13.08.2018, passed by the Court of Principal Magistrate, Juvenile Justice Board, Panipat, whereby, the application filed by the petitioner declaring him to be juvenile was ordered to be dismissed by the Appellate Court as well as the Trial Court.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in a case arising out of FIR No.106, dated 08.03.2016, under Section 302 IPC, Police Station Samalkha, District Panipat (Annexure P-1), which was registered on the basis of the an alleged occurrence dated 07.03.2016. The date of birth of the petitioner is 08.06.1998 and at the time of alleged incident, he was aged about 17 years and 09 months. Even though the



petitioner was a juvenile, still he was being tried as an ordinary accused. Consequently, he moved an application before the Trial Court for declaring him juvenile, as his date of birth was 08.06.1998. Vide the impugned order, the Trial Court held that the petitioner was not a juvenile at the time of occurrence. Even, the Appellate Court had dismissed the application filed by him in this regard. Learned counsel further submits that the Trial Court as well as the Appellate Court had overlooked the provisions of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 {hereinafter referred to as the “Act”} which provides for presumption and determination of the age of an accused. Once the petitioner had filed the Matriculation Certificate showing him as a juvenile, there was no need to hold the enquiry in the absence of any contradictory certificates. He further contends that both the Courts had wrongly relied upon the statements of RW-1, Clerk of Municipal Council, Samalkha and RW-2 Nirmala, Aanganwadi Worker, whose statements did not help the prosecution in any manner. Still further, the Trial Court as well as the Appellate Court had drawn wrong inference from the statement of the witnesses and the impugned orders are liable to set aside by this Court.

3. On the other hand, learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that both the Courts had appreciated the evidence led by the parties in the correct perspective and the present revision petition deserves to be dismissed by this Court.

4. I have heard learned counsel for the parties and perused the record carefully.



5. Before proceeding any further, it would be appropriate to refer to the evidence led by both the sides. In his evidence, the petitioner had examined SI Jasbir Singh as AW-1, who stated that he had hold an enquiry about the age of the petitioner, as per the directions of District and Sessions Judge, Panipat. He enquired from Board of School Education Haryana, Bhiwani and as per the record, the date of birth of the petitioner was 08.06.1998. He had passed his secondary examination in the year, 2014. However, it also appears that no such Secondary Examination Certificate was placed on record by Jasbir Singh, S.I. Even his parents did not appear in support of his claim of juvenility nor any evidence was placed on record by them.

6. On the other hand, the respondent No.2/complainant got examined seven witnesses to disprove the claim of juvenility of the present petitioner and made an attempt to show that the date of birth of the petitioner was 08.06.1996 not 08.06.1998. The respondent examined RW-1, Balbir Singh Clerk, Municipal Committee, Samalkha, who deposed that Khilla Ram and Bimla were blessed with a son on 08.06.1996 and entry was made in the register of Registrar (Birth & Death) at serial No.184 in this regard. The delivery of the child had taken place in Sunita Nursing Home, Samalkha and he exhibited the register as Ex.RW-1/A. Even, the name of the child was not mentioned, however, it is apparent that a child was born to Khilla Ram and Bimla Devi in the year 1996. The respondent examined RW-2 Nirmala, Aanganwadi Worker and as per her, in the year 1996, a son was born to Khilla Ram and Bimla Devi and proved the record as Ex.RW-2/A. She stated that other son was born in the year 2000 and the entry in this regard was RW-2/B. However, there was no record to show that any son was born to Khilla Ram and Bimla Devi in the year



1998. Apart from that, RW-3, Mukesh Bhardwaj, Principal, G.M High School, Samalkha stated that on the basis of School Leaving Certificate of Chandan Bal Vikas School, Samalkha, Ramesh was admitted as a student in their school and as per the said School Leaving Certificate, the date of birth of Ramesh was 08.06.1998. The respondent further examined RW-4 Smt. Umesh, Primary Teacher, Arya High School, Village Patti Kalyana and she stated that the petitioner had passed 10th standard from their school, but they had not taken any record qua Birth Certificate of Ramesh from his father. Further, the admission form was in the shape of affidavit, which did not bear the signatures of parents/guardians of the petitioner. The respondent further examined RW-5 Raj Virender, Gram Sachiv, who placed on record the voters list of the Village Bhadowal Majri for the year 2015 and Ramesh, petitioner was a voter in the year 2015, which means that he was more than 18 years of age. The respondent further examined RW-6, Khilla Ram, who stated that the petitioner was born after three years of marriage and his marriage had taken place with Bimla Devi in the year 1993. Thus, it is apparent that Ramesh, petitioner was born in the year 1996. Thus, the date of birth of Ramesh is 08.06.1996 and not 08.06.1998 and the presumption attached to the school record was a rebuttable presumption and the respondents had been successful in rebutting the evidence in the present case by abusing the initial record of different institutions.

7. In the present case, a short controversy is involved regarding the claim of the juvenility of the present petitioner, who claimed that he was born on 08.06.1998 and not on 08.06.1996. However, from the perusal of the record of the Trial Court as well as the Appellate Court, it is apparent that the petitioner had failed to adduce any evidence to support his claim. In the present



case, the respondent had examined RW-1, Balbir Singh Clerk, Municipal Committee, Samalkha. As per him, son of Khilla Ram and Bimla was born on 08.06.1996 in Sunita Nursing Home, Samalkha. Even, there is no entry of birth of son of Khilla Ram in the year 1998. Apart from that, the respondents had also examined RW-2 Nirmala, Aanganwadi Worker, who stated that only two sons were born out of the wedlock of Khilla Ram and Bimla Devi. The first son was born in the year 1996 as per her record and the another son was born in the year 2000. There was no record with her to show that any son of Khilla Ram was born in the year 1998. Apart from that, the petitioner has heavily relied upon the statements of RW-3, Mukesh Bhardwaj, Principal, G.M High School, Samlakha, RW-4 Smt. Umesh, Primary Teacher, Arya High School, Village Patti Kalyana and RW-7, Naresh Kumar, Manager, Chandan Bal Vikas School, Samalkha. However, in the present case, no Matriculation Certificate of the petitioner have been placed on the file to prove his date of birth, which could be of any help to the petitioner in the present case. Apart from that, even RW-6 Khilla Ram, father of the petitioner also admitted that he was married to Bimla Devi in the year 1993 and a son was born three years after the marriage, which clearly means that the petitioner was born in the year 1996. Even, Khilla Ram appeared in the witness box and chose not to produce any official record to substantiate the case of his son i.e. the petitioner. Even, otherwise, there was sufficient evidence to show that the two sons of Khilla Ram and Bimla Devi were born in the year 1996 and 2000.

8. Even otherwise, the petitioner has placed heavy reliance on the statement made by AW-1 SI Jasbir Singh, who stated that said entry in the school record was not supported on the basis of any birth record of the children.



9. In similar circumstances, the Hon'ble Supreme Court has held in the matter of "**Suresh Vs. State of Uttar Pradesh and Anr.**", (2025) 3 RCR (Criminal) 720:-

23. *Even otherwise, in the case at hand, except for the Headmaster's sole testimony, there is no material to establish that the date 18.04.1995 as respondent No.2's date of birth, as recorded in the certificate issued by Kaushik Modern Public School, Khurgaon, was correct. As a matter of fact, the Principal in his cross-examination stated that when the Respondent No.2 was leaving the school on that day after making cutting he had written the correct date of birth. Moreover, the Principal has also stated that the birth-date entry was made on the basis of an oral representation alone by Respondent No.2's father and when he was asked for the horoscope or any other document in support of the date of birth of the Respondent No.2, nothing was submitted. This, in our view, discredits the certificate issued by the Kaushik Modern Public School, Khurgaon. As noted hereinbefore, the other school certificates were issued following this and therefore, meet the same fate inasmuch as they cannot be treated as correct, in the face of conflicting public records and public documents as also the Medical Report which state to the contrary. The observations by a Bench of two learned Judges in **Om Prakash vs. State of Rajasthan (supra)** are clearly attracted, and the relevant excerpts therefrom read as under:*

'22. It is no doubt true that if there is a clear and unambiguous case in favour of the juvenile accused that he was a minor below the age of 18 years on the date of the incident and the documentary evidence at least prima facie proves the same, he would be entitled for this special protection under the Juvenile Justice Act. But when an accused commits a grave and heinous offence and thereafter



attempts to take statutory shelter under the guise of being a minor, a casual or cavalier approach while recording as to whether an accused is a juvenile or not cannot be permitted as the courts are enjoined upon to perform their duties with the object of protecting the confidence of common man in the institution entrusted with the administration of justice.

23. Hence, while the courts must be sensitive in dealing with the juvenile who is involved in cases of serious nature like sexual molestation, rape, gang rape, murder and host of other offences, the accused cannot be allowed to abuse the statutory protection by attempting to prove himself as a minor when the documentary evidence to prove his minority gives rise to a reasonable doubt about his assertion of minority. Under such circumstance, the medical evidence based on scientific investigation will have to be given due weight and precedence over the evidence based on school administration records which give rise to hypothesis and speculation about the age of the accused. The matter however would stand on a different footing if the academic certificates and school records are alleged to have been withheld deliberately with ulterior motive and authenticity of the medical evidence is under challenge by the prosecution.

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33. Similarly, if the conduct of an accused or the method and manner of commission of the offence indicates an evil and a well-planned design of the accused committing the offence which indicates more towards the matured skill of an accused than that of an innocent child, then in the absence of reliable documentary evidence in support of the age of the accused, medical evidence indicating that the accused was a major cannot be allowed to be ignored taking shelter of the principle of benevolent legislation like the Juvenile Justice Act, subverting the course of justice as statutory protection



of the Juvenile Justice Act is meant for minors who are innocent law-breakers and not the accused of matured mind who use the plea of minority as a ploy or shield to protect himself from the sentence of the offence committed by him.

34. The benefit of benevolent legislation under the Juvenile Justice Act obviously will offer protection to a genuine child accused/juvenile who does not put the court into any dilemma as to whether he is a juvenile or not by adducing evidence in support of his plea of minority but in absence of the same, reliance placed merely on shaky evidence like the school admission register which is not proved or oral evidence based on conjectures leading to further ambiguity, cannot be relied upon in preference to the medical evidence for assessing the age of the accused.

35. While considering the relevance and value of the medical evidence, the doctor's estimation of age although is not a sturdy substance for proof as it is only an opinion, such opinion based on scientific medical tests like ossification and radiological examination will have to be treated as a strong evidence having corroborative value while determining the age of the alleged juvenile accused.

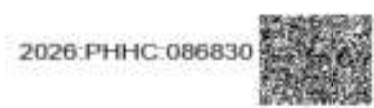
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38. The Juvenile Justice Act which is certainly meant to treat a child accused with care and sensitivity offering him a chance to reform and settle into the mainstream of society, the same cannot be allowed to be used as a ploy to dupe the course of justice while conducting the trial and treatment of heinous offences. This would clearly be treated as an effort to weaken the justice dispensation system and hence cannot be encouraged.' (emphasis supplied)



24. Rule 12(3)(a) of the Rules lays down the sequential list of certificates to be examined and the order thereof. As no 'matriculation or equivalent certificates' were available under Rule 12(3)(a)(i) of the Rules, thus under Rule 12(3)(a)(ii) of the Rules, 'date of birth certificate from the school (other than a play school) first attended' was attracted and certificate issued by Kaushik Modern Public School, Khurgaon was taken as conclusive proof of date of birth. However, the deposition of the School's Headmaster, especially to the effect that the birth-date was noted as per an oral representation by Respondent No.2's father, makes the said certificate unreliable. Moving on, Rule 12(3)(a)(iii) and Rule 12(3) (b) of the Rules, respectively, provide for 'birth certificate given by a corporation or a municipal authority or a panchayat' and 'only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child.'

25. From an overall circumspection of all the facts and circumstances surrounding the case, including the Rules, the picture which emerges is that on the one hand, there is the certificate backed by the testimony of the Headmaster of the first school (which as indicated supra notes that the recordal was made on the oral say-so of Respondent No.2's father) relating to the date of birth and the three consequentially-made/issued certificates, whereas on the other hand, there exists a statutory document, being a public record and a public document, in Form (A) under Rule 2 of the Rules framed under the U.P. Panchayat Raj Act, 1947 disclosing the year of birth of Respondent No.2 as 1991 as also the entry in the Voters' List for the Legislative Assembly of the year 2012 and the Medical Report apropos the age of



Respondent No.2 given by the Chief Medical Officer, Muzaffarnagar, who opined that Respondent No.2 was aged about 22 years on 01.12.2012. As such, the certificate issued by Kaushik Modern Public School, Khurgaon could not have been taken as conclusive proof of date of birth of Respondent No.2, discarding Form (A) under Rule 2 of the Rules under the U. P. Panchayat Raj Act, 1947; the entry in the Voters' List for the Legislative Assembly of the year 2012, and; the Medical Report. On the basis of the latter three documents, it is clear that Respondent No.2 cannot be said to have been a 'juvenile' on the date of the unfortunate incident.

10. In view of above discussion, I find no merits in the present revision petition and the same is ordered to be dismissed.

08.06.2026
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(N.S.SHEKHAWAT)
JUDGE

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