

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

**CRR-4163-2017 (O&M)  
Date of decision: 31.07.2018**

Lovejot Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Ms. J.J. Kaur, Advocate,  
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

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**JAISHREE THAKUR, J. (ORAL)**

This is a revision that has been filed under Section 401 Cr.P.C. seeking to challenge the order dated 19.08.2017 passed by Addl. Sessions Judge, Bathinda declining to treat the petitioner as a juvenile.

Learned counsel for the petitioner herein would contend that the petitioner was born on 01.01.1999 at Amanipur District Kapurthala and there is a birth certificate that has been issued in this regard. It is argued that there was enough evidence available before the Addl. Sessions Judge, Bathinda to hold the petitioner herein to be a minor on the date of occurrence of the alleged crime.

I have heard learned counsel for the petitioner as well as the learned counsel appearing on behalf of the respondent-State.

A perusal of the impugned order reflects that a school leaving certificate reflecting the date of birth of the petitioner as 01.01.1999, was

placed on the record which was not considered and rightly so since the school leaving certificate could not be considered in terms of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The petitioner had been held to be a major as he was not able to place on record any document to substantiate his claim of him being a minor.

During the course of hearing, the petitioner places reliance upon a birth certificate issued by the Sub Registrar Births & Death, Tibba, Kapurthala to substantiate his claim that he was a minor as on that date.

Since this document was not available with the Addl. Sessions Judge as on the date impugned order was passed, this matter is remanded back giving an opportunity to the petitioner herein for placing on record the birth certificate and for a fresh consideration of the Addl. Sessions Judge, Bathinda on the age of the petitioner.

The petitioner herein is directed to appear before the Addl. Sessions Judge, Kapurthala within a period of two weeks along with the certified copy of this order.

The revision stands disposed of with the aforesaid observation.

**31.07.2018**

*Satyawan*

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)**  
**JUDGE**

Yes.

No.