

State Vs. Ajay etc.

File No.98 Dated 15.11.2017
Date of Order: 12.09.2018
Pending for: 26.09.2018
CIS No.CHI/749/2017
CNR No.PBBT03-024606-2017
UID: PB0522

Present: Sh. S.S. Gill, Ld. APP for the State.
Accused Ajay Singh on bail with counsel Sh. S.S. Sandhu,
Advocate.
(Accused Gurpreet Singh declared juvenile and file sent before JJB
vide order dated 24.04.2018).

ORDER

This order of mine shall dispose of the application dated 05.07.2018 filed on behalf of the applicant/accused Ajay Singh for treating the applicant/accused as juvenile and sending the case to the Court of Principal Officer of Juvenile Justice Board, Bathinda.

2. Learned counsel for the applicant has submitted that the accused has been wrongly shown as major by the police whereas his date of birth is 01.06.2000 as per school leaving certificate issued by Principal, Govt. Senior Secondary School, Sarai Naga, Distt. Sri Muktsar Sahib. He was juvenile at the time of alleged occurrence i.e. 01.11.2015. He was declared juvenile in another case FIR No.305 dated 03.11.2015 under Section 379 IPC, PS Kotwali, Bathinda and the case has also been decided by the Principal Magistrate, Juvenile Justice Board, Bathinda vide order dated 11.08.2017. So by submitting the aforesaid, it is prayed that the application may kindly be accepted and the accused be treated as juvenile and the case of accused be sent to the Court of Principal Officer of Juvenile Justice Board, Bathinda in the interest of justice.

3. On the other hand, Ld. APP for the State has not filed reply to the abovesaid application.

4. Jaspal Kaur, mother of the applicant Ajay Singh in support of the present application produced on record documents PX copy of school leaving certificate of Ajay Singh and Ex.PY copy of judgment dated 25.04.2017 in case titled as State Vs. Ajay Singh, FIR No.305 dated 03.11.2015, u/s 379/411 IPC, PS Kotwali Bathinda.

5. I have heard learned counsel for the applicant as well as Ld. APP and perused the file carefully.

6. Rule 12 of the 12(3)(b) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 deals with procedure to be followed in determining the age. As per provisions of Rule 12(3)(b) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 age of juvenile in conflict with law is to be determined from the following evidence:-

(i) *the matriculation or equivalent certificate, if available, and in the absence whereof;*

(ii) *the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;*

(iii) *the birth certificate given by a corporation or a municipal authority or a Panchayat;*

7. In this case, mother of applicant Ajay Singh has brought on record copy of his school leaving certificate as Ex.PX, in which, the date of birth of applicant Ajay Singh has been recorded as 01.11.2000. The alleged incident occurred on 01.11.2015. As such, the age of the applicant Ajay Singh was 15 years i.e. below 18 years at the date of alleged incident. Copy of judgment dated 25.04.2017 in case titled as State Vs. Ajay Singh, FIR No.305 dated 03.11.2015, u/s 379/411 IPC, PS Kotwali Bathinda passed by Ms. Pushpa Rani, PCS, Principal Magistrate, Juvenile Justice Board, Bathinda, has also been brought on

record as Ex.PY, perusal of which shows that the applicant was declared juvenile in that case and he was convicted being juvenile. The present FIR was registered on 01.11.2015 i.e. two days prior to the abovesaid FIR dated 03.11.2015.

8. Therefore, in view of the abovesaid judgment dated 25.04.2017 in which applicant was convicted being juvenile and which is two days later from the present FIR, coupled with the other evidence adduced by the applicant, applicant Ajay Singh is declared as Juvenile. Applicant Ajay Singh is directed to appear before Principal Magistrate, Juvenile Justice Board, Bathinda, on 26.09.2018 at 9.30 AM sharp. Intimation be also sent to SHO concerned with the direction to put up separate challan against the juvenile before the Court of Juvenile Justice Board, Bathinda. Learned APP for the State be informed accordingly. Ahlmad is directed to send the file complete in all respects, to Juvenile Justice Board, Bathinda, well before date fixed.

Pronounced in Open Court:
Dt. 12.09.2018.

(Ravtesh Inderjit Singh),
Judicial Magistrate First Class,
Bathinda.
UID: PB0522.

Date of order: 12.09.2018
Priyanka, Stenographer-II
Date of hearing: 26.09.2018
Purpose: