

State vs Prince @ Kallu

FIR No. 06 Dated 04.02.2023
Under Section 380,411P.S. Ghuman
Kalan.

Present: Sh. Amrinder Singh, Ld. APP for the state.
Prince @ Kallu on bail claiming himself to be juvenile
assisted by Sh. G.S.Sangiotra, Advocate

Accused Prince @ Kallu through his counsel claimed himself to be juvenile and moved an application through his counsel for declaring him juvenile. Counsel for the applicant produced matriculation certificate of Punjab School Education Board as per which his date of birth is recorded as 07.01.2006. Since the occurrence in question allegedly took place on 04.02.2023 and the date of birth as per matriculation certificate on record is 07.01.2006.

Since the occurrence in question is of 04.02.2023 but the matriculation certificate shows date of birth of applicant as 07.01.2006 as such it created the need of conducting an enquiry by this court to decide the question of juvenilty of Prince @ Kalu.

As per the direction of this court, the police officials of P.S Ghuman Kalan produced the attested copy of admission and withdrawal register. so verified by the concerned school which is **Ex.AW1/A**. The said matriculation certificate on comparison showed same date of birth which is mentioned in the admission and withdrawal register of the concerned school where Prince @ Kalu. had studied i.e. 07.01.2006. The statement of concerned Junior Assistant namely Paramdeep Singh is also recorded in the court as **AW-1** who also stated that as per school record, the date of birth of

Prince @ Kallu is 07.01.2006. He stated that he has brought the record today i.e. admission and withdrawal register of Prince @ Kallu son of Surjit Masih resident of village Shahpur Rajada P.S.Dhariwal Tehsil and District Gurdaspur. He further deposed that as per admission and withdrawal register the date of birth of Prince @ Kallu is 01.07.2006 and he remained in the school upto 10th class and after passing matriculation he left the school on 31.03.2021. The attested copy of the relevant register brought by him today is **Ex.AW1/A**. The name of Prince @ Kallu in their school is entered at Sr. 742 in the register brought by him today. (original seen and returned). The father of Prince @ Kallu namely Surjit Masih, resident of Shahpur Tehsil Dhariwal and District Gurdaspur appeared in court as **AW-3** and has recorded his statement wherein he stated that he has two sons and three daughters. His son Prince @ Kallu got admission in 9th class in Government Sen. Sec. School, Khunda block Dhariwal District Gurdaspur. The date of Birth of his son Prince @ Kallu is 07.01.2006 which is correctly entered in the school record. His son Prince @ Kallu was minor at the time of registration of false case against him. Further, Biniamin son of Ajij Masih, resident of Shahpur Tehsil Dhariwal and District Gurdaspur appeared as **AW2** and suffered statement to the effect that he is the uncle of Prince @ Kalu and he is living in the neighborhood of Surjit Masih. He know Prince @ Kalu son of Surjit Masih resident of resident of Shahpur tehsil Dhariwal District Gurdaspur and his family since by birth. Prince @ Kalu is the son of Surjit Masih and he studied upto 10th class in Government Senior Secondary School, khunda block-

Dhariwal District Gurdaspur. As per his knowledge, he is below 18 years.

The above said witnesses were cross-examined by Sh. Amrinder Singh, Ld. APP for the state for the State but nothing fruitful rebutting the testimony of AW1 to AW3 came out. As per the aforesaid documents on record i.e. certificate Ex.AW3/A (matriculation certificate of Prince @ Kallu), coupled with the copy of admission and withdrawal register of concerned school Ex.AW1/A showing entry at Serial no.742 qua Prince @ Kallu reflecting his date of birth as 07.01.2006 is found genuine. As per law, first of all the date of birth certificate from concerned school or matriculation certificate or equivalent certificate from the concerned school/board, if available is required to be taken into consideration. The other conditions are required to be seen thereafter. Since, the applicant has satisfied the first condition itself by producing matriculation certificate **Ex.AW3/A** along-with attested copy of admission and withdrawal register by the concerned school **Ex.AW1/A** showing the date of birth of Prince @ Kallu 07.01.2006. Hence, it comes out that he was minor at the time of alleged occurrence in question dated 04.02.2023.

In view of the above said discussion and in the light of evidence available on the file, Prince @ Kallu is declared juvenile accordingly. Since, he is required to be dealt by Juvenile Justice Board. He be produced before the Juvenile Justice Board, Gurdaspur tomorrow. Ahlmad is directed to complete the file in all

aspects and be sent to J.J. Board tomorrow i.e. 18.09.2024. A copy of this order be retained in the record for future reference if any.

Date of Order: 17.09.2024

Brinda Varna, Stenographer Gr-III*

(Yogesh Gill), PCS,

JMIC/Gurdaspur.

UID No.PB0677

Note: Dictated directly on computer