

Present :- Shri Sahib Singh, Additional Public Prosecutor for State.
Shri Jaspreet Singh Sandhu, Advocate for applicant Karamjit Singh @ Akash Singh

An application has been filed on behalf of Karamjit Singh @ Akash Singh son of Jagdev Singh for declaring him as juvenile as he was less than 18 years of age at the time of commission of offence. It has been averred that Date of Birth of Karamjit Singh @ Akash Singh is 22.08.2005 and at the time of alleged occurrence, he was juvenile. It has been prayed that he be declared as juvenile.

On notice, reply was filed by prosecution that Date of Birth of Karamjit Singh @ Akash Singh is 22.08.2005 and prayed that application may kindly be disposed off accordingly.

In order to prove his juvenility, applicant Karamjit Singh @ Akash Singh examined his father Jagdev Singh, who has deposed that Karamjit Singh @ Akash Singh is his son. He was born on 22.08.2005 and proved copy of birth certificate as Ex.A1 and photocopy of aadhar card Mark-A and school certificate of 8th standard Mark-B. Thus, he was below the age of 18 years at the time of alleged occurrence i.e. 7.04.2023.

I have heard learned counsel for applicant as well as learned Additional Public Prosecutor for State and gone through the record of case.

FIR No.62 dated 7.04.2023 under Sections 363,366-A,120-B IPC has been lodged against applicant Karamjit Singh @ Akash Singh at Police Station Baghapurana. Applicant has moved an application for declaring him as juvenile. Section 94 of Juvenile Justice (Care & Protection of Children) Act 2015 provides as under :-

“94. Presumption and determination of age :-

(1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under Section 14 or Section 36, as the case may be, without waiting for further confirmation of the age.

(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining :-

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned

examination Board, if available, and in the absence, thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board;

provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.”

As per Section 94, if Matriculation Certificate of equivalent certificate is not available, then Birth Certificate issued by the Municipal Authority or Panchayat can be taken into consideration. Jagdev Singh, father of applicant has placed on record copy of Birth Certificate issued by Additional District Registrar, Birth and Death, Moga as Ex.A1. From the perusal of above said document, it transpires that applicant was born on 22.08.2005. As per prosecution allegations, police lodged instant FIR, when applicant was found committing criminal conspiracy to entice victim, daughter of complainant on the pretext of marriage. As such, on the day of occurrence i.e. 7.04.2023, applicant was below the age of 18 years at the time of the occurrence.

On the basis of discussion held in preceding paragraphs of this order, application stands allowed. Applicant Karamjit Singh @ Akash Singh is declared juvenile.

Now for consideration on bail application of juvenile, to come-up on 4.08.2023. Record be also produced on the said date.

Pronounced.

Dated :- 2.08.2023.

Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)

**Additional Sessions Judge,
Moga (UID No.PB00213).**