

**SECTION IIB
IN THE SUPREME COURT OF INDIA
CRIMINAL MISCELLANEOUS PETITION**

PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.) NO. 1557 OF 2013

WITH

CRIMINAL MISCELLANEOUS PETITION NO. 3815 OF 2013

(Application for Exemption from filing Certified Copy of Impunged Order)

HABIB @ MUNNA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 10.03.2014, when the Hon'ble Court was pleased pass the following order:

"We have heard learned counsel for the parties at some length. Our attention has been drawn by learned counsel for the petitioner to a medical report dated 18.08.2010 from which the petitioner's age appears to be 18 to 20 years as on the date of the said certificate. It is contended by learned counsel for the petitioner that even if one were to treat the petitioner to be 20 years old as on the date of the certificate, the petitioner would have been a juvenile on the date of the alleged commission of offence i.e. on 13.05.2006. Our attention has also been drawn to a Birth Certificate said to have been issued by the Chairman, Nagar Panchayat Kithore (Meerut) dated 09.12.2010 wherein the petitioner's date of birth is said to be 12.07.1990.

In that view of the matter therefore we are of the view that the petitioner has made out a case for an inquiry in terms of Section 12 of the Juvenile Justice (Care and Protection of Children) Act 2000 for determination of his age as on the date of the commission of the offence. We accordingly direct an inquiry in terms of the above Rules to be conducted by the Registrar of this Court. The petitioner may produce the original documents if any, in support of his claim of juvenility. We make it clear that in case the Registrar finds that the documents referred to in Rule 12 are not for any reason forthcoming or cannot be relied upon, he shall be free to direct a fresh

medical examination of the petitioner for determination of his age.

Needful shall be done by the Registrar expeditiously but not later than three months from today."

It is submitted that pursuant to the above order, Registrar(Judicial) has filed his report dated 30.05.2014 and the same is circulated herewith for kind perusal of the Hon'ble Court.

It is further submitted that this is an after notice matter.

It is next submitted that Dr. Monika Gusain, Advocate has filed vakalatnama/appearance on behalf of the sole respondent/State of Haryana.

Service of Show Cause Notice is complete.

It is submitted that Counsel for the Respondent has not filed counter affidavit on behalf of the sole respondent, so far.

The matter above mentioned was mentioned before the Hon'ble Court on 23.07.2014 when the Hon'ble Court was pleased pass the following order:

"The matter to retain its position which is coming on 04.08.2014.

The matter alongwith application and the report of the Id. Registrar(Judicial)sc above mentioned is listed before Hon'ble Court with this office report.

Dated this the 1st day of August, 2014

ASSISTANT REGISTRAR

COPY TO:

Mr. B. Sunita Rao, Advocate

Dr. Monika Gusain, Advocate

ASSISTANT REGISTRAR