

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1557/2013

(From the judgement and order dated 17/11/2011 in CRA No.225/2009, of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HABIB @ MUNNA

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With appln(s) for exem. from filing c/c and office report)

Date: 10/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE C. NAGAPPANFor Petitioner(s) Mr. N.M.Popli, Adv.
Mrs.B.Sunita Rao,Adv.For Respondent(s) Mr. Narender Hooda, Sr. Adv.
Dr. Monika Gusain,Adv.
Mr.Ankit Swarup, Adv.UPON hearing counsel the Court made the following
O R D E R

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.

| (Shashi Sareen)
| Court Master

| | (Veena Khera)
| | Court Master

| |
|