

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1438 of 2023(O&M)

Date of Decision: 02.06.2023

Mohd. Israr

...Petitioner

Versus**State of Haryana**

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH**Present:- Mr. Sarfraj Anjum Mor, Advocate
For the petitioner.****Mr. Naveen Sheoran, DAG Haryana.**

KARAMJIT SINGH, J.

1. The present revision petition under Section 102 of the Juvenile Justice (Care and Protection of Children) Act 2015 read with Section 482 Cr.P.C. is filed by the petitioner against the order dated 14.03.2023 passed by the Court of Additional Sessions Judge, Sonapat (acting as a Children Court) whereby the appeal filed by petitioner against order dated 24.08.2022 passed by learned Juvenile Justice Board, Sonapat has been dismissed being time barred.

2. Notice of motion.

3. Mr. Naveen Sheoran, DAG Haryana accepts notice on behalf of the State.

4. The counsel for the petitioner submits that petitioner is child in conflict with law but the Principal Magistrate of Juvenile Justice Board

wrongly passed the order to conduct the trial by treating the petitioner as an adult vide order dated 24.08.2022. That the appeal filed against the said order has been dismissed by the Court of Additional Sessions Judge, Sonapat vide order dated 14.03.2023, without entering into the merits of the case, just on the ground that appeal was time barred. The counsel for the petitioner further submits that the petitioner is just 17 years of age and is not conversant with the technicalities of law and due to some misunderstanding the petitioner failed to file the appeal within prescribed period of limitation of 30 days. That the impugned order was passed on 24.08.2022 while the appeal was filed on 07.10.2022, so there was no unreasonable delay in filing of the appeal and the same could have been easily condoned by the Court concerned while taking into consideration the fact that the petitioner is a minor. So, prayer is made that the present petition be allowed and the matter be sent back to the Court concerned with direction to dispose of the same on merits.

5. The present petition is resisted by the State counsel, but even the State counsel is of the view that the Court of Additional Sessions Judge should have disposed of the appeal on merits and not on technical ground of limitation.

6. Admittedly, the petitioner was already declared as child in conflict with law by the Court concerned. Even at present the petitioner is stated to be less than 18 years of age. It is the duty of the Court to impart justice and the Court of Additional Sessions Judge, Sonapat should have decided the matter in question on merits without going into hyper technical ground of limitation, while keeping in mind the fact that the petitioner is a juvenile.

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7. In light of the above, the present petition is hereby allowed and the impugned order dated 14.03.2023 is set aside and the matter is remanded back to the Court of Additional Sessions Judge, Sonapat to decide the same afresh on merits without insisting on the point of limitation. The parties are directed to appear before the Court concerned on 04.07.2023.

02.06.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No