

(2012) 09 P&H CK 0257

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-4704 of 2012

Sheetal and another

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision: Sept. 3, 2012

Hon'ble Judges: Daya Chaudhary, J

Bench: Single Bench

Advocate: Manoj Makkar, for the Appellant; Pradeep Virk, D.A.G., Haryana for the respondent-State and Mr. Karan Singh, Advocate for respondent Nos.4, 6 and 7, for the Respondent

Final Decision: Dismissed

Judgement

Daya Chaudhary, J.

On 02.07.2012, the case was adjourned on the request of learned counsel for the petitioner to verify about the certificate issued by the school authorities where date of birth of petitioner No.1 has been mentioned as 04.06.1997. Learned counsel for the State has also drawn attention of the Court to School Leaving Certificate annexed as Annexure R-1 with the reply, wherein, the date of birth is mentioned as 04.06.1997. Petitioner No.1 was in 7th Class when this certificate was issued and she studied in the school upto 13.11.2009. This certificate clearly shows that the material fact has been concealed while filing this petition.

2. Learned counsel for the petitioners has relied upon the judgment of Delhi High Court rendered in the case titled as Rukshana and anr. Vs Govt. of NCT of Delhi and ors. 2007(3) RCR (Criminal) 542.

3. The judgment relied on by the learned counsel for the petitioners is not applicable in the facts and circumstances of the present case as in that case, concealment of fact was not there. Simply by stating that wrong date of birth of petitioner No.1 was entered in the School and the date of birth as mentioned in the replies of the respondents is not correct, is not sufficient.

4. The present petition is dismissed only on the ground of concealment of fact as the petitioners have tried to mislead the Court by filing false affidavit. Dismissed.