



2026:AHC:181031

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3779 of 2026

Juvenile X

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Deeksha Kesarwani
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

1.As per affidavit of compliance filed by learned A.G.A., notice has already been served on the informant but none put appearance on his part, except learned A.G.A.for the State.

2. Heard learned counsel for revisionist as well as learned A.G.A. for State and perused the record.

3. The present criminal revision has been preferred by the revisionist through his natural guardian under Section 102 of the Juvenile Justice (Care and Protection) Act-2015 (hereinafter referred to as "J.J. Act, 2015) to allow the present revision and set aside the judgment and order dated 27.5.2026 passed by Juvenile Court/Special Judge (POCSO) Act/Additional District & Sessions Judge, Muzaffarnagar in Criminal Appeal No. 60 of 2026 ("X" Versus State of U.P.) and the order dated 21.4.2026 passed by Juvenile Justice Board, Muzaffarnagar in Case Crime No. 365 of 2022 under Sections 377, 511 I.P.C. and Section 3/4 of the (POCSO) Act, Police Station Shahpur, District Muzaffarnagar, and further be pleased to release Juvenile in custody of his father namely Suleman Case Crime No. 365 of 2022 under Sections 377, 511 I.P.C. and Section 3/4 of the (POCSO) Act, Police Station Shahpur, District Muzaffarnagar, during pendency of trial before the Juvenile Justice Board, Muzaffarnagar.

4.It is submitted by learned counsel for the revisionist that the revisionist is aged about 14 years and is in Observation Home since 22.10.2022. He further submits that after investigation final report was filed by Investigating

Officer, on which protest application was filed by the informant which was treated as complaint and summoned the revisionist for the offence under Section 377/ 511 I.P.C. and Section 3/4 POCSO Act. Further submits that there is no evidence on record to show that such offence was committed by the revisionist with the victim. There is no medical report showing the commission of such offence. There is nothing adverse to the present delinquent in the report as submitted by the District Probation Officer. The provisions as contained under Section 12 of the Juvenile Justice Act has not been considered by the Juvenile Justice Board as well as the appellate court. The learned J.J. Board did not consider all these facts while deciding the bail application and the learned appellate court also did not consider the material available on record while rejecting the appeal which cannot be said to be lawful. The delinquent is in Observation Home since 22.10.2022 and his psychology is being affected adversely, therefore, the orders passed by learned J.J.Board and appellate court are erroneous and is liable to be set aside.

5.Learned A.G.A. opposed the prayer as aforesaid.

6.Considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A., perusal of record, the age of the victim and delinquent, the statement of the victim and provisions as contained u/s 12 Juvenile Justice Act and report submitted by the D.P.O. it appears that J.J. Board as well as the appellate court has not considered the relevant provisions and the material on record in well manner but passed the order without applying their judicial mind. In this way, there appears ground in this revision and the orders passed by the Juvenile Justice Board as well as learned appellate court are liable to be set aside.

7.Accordingly, the orders passed by Juvenile Justice Board dated 21.04.2026 and the appellate court dated 27.05.2026 are, hereby, set aside and present Criminal Revision is hereby, **allowed**.

8.It is directed that delinquent/applicant be released on bail on executing personal bond by the revisionist (legal guardian of the delinquent) and two sureties each in the like amount to the satisfaction of the Juvenile Justice Board concerned on following conditions:-

(i) The revisionist/natural guardian will furnish an undertaking that upon release on bail the revisionist will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.

(ii) The revisionist/natural guardian will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

(iii) Juvenile and the revisionist/natural guardian will report to the Probation Officer on the first Monday of every calendar month.

(iv) The Probation Officer will keep a strict vigil on the activities of the juvenile and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board, concerned on such a periodical basis as the Juvenile Justice Board may determine.

(Subhash Chandra Sharma,J.)

August 31, 2026

Gss