



2026:AHC:171742

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1187 of 2026

Juvenile X

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	: Rajesh Kumar Singh, Rakesh Kumar Singh, Shambhavi Nandan
Counsel for Opposite Party(s)	: Amit Kumar Tiwari, G.A., Ram Yash Chauhan

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

Supplementary affidavit filed today by learned counsel for the revisionist is taken on record.

Counter affidavit filed today by learned counsel for the opposite party is also taken on record.

Heard learned counsel for revisionist, learned counsel for the opposite party as well as learned A.G.A. for State and perused the record.

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 21.01.2026 passed by learned Special Judge (POCSO Act)/ Additional District and Sessions Judge, Varanasi in Criminal Appeal No. 08 of 2026 as well as order dated 05.01.2026 passed by Juvenile Justice Board, Varanasi. Further prayed to stay the operation of the aforesaid orders and to release the revisionist on bail in Case Crime No. 321 of 2025, under Sections 65(2) B.N.S. and Section 5M/6 POCSO Act, Police Station Lohta, District Varanasi.

It is submitted by learned counsel for the revisionist that in this case, he is innocent and has been falsely implicated. He has committed no offence. The delinquent was aged about 16 years at the time of alleged incident. Since, the informant was tenant in the house of the revisionist that was the reason present F.I.R. was lodged with false allegation on account of rental dispute

between the parties. During the course of medical examination, no any injury was found on the person of the victim said to be aged about 5 years. Further submitted that there is no any evidence on record to show that the revisionist has committed the offence as stated by the victim herself. 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 Juvenile Care Home since 22.11.2025 and his psychology is being affected adversely, therefore, requested to set aside the order passed by the J.J. Board as well as appellate court and allow the criminal revision.

Learned counsel for the opposite party as well as learned A.G.A. opposed the prayer as aforesaid.

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 contents of F.I.R., the age of the delinquent, the statement of the victim, the period, he remained in observation home 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.

Accordingly, the orders passed by Juvenile Justice Board dated 05.01.2026 and the appellate court dated 21.01.2026 are, hereby, set aside and present Criminal Revision is hereby, **allowed**.

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.

August 14, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)