



2026:AHC:163652

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1394 of 2026

X Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Yatharth Srivastava

Counsel for Opposite Party(s) : G.A., Pranshu Dwivedi, Ram Prakash Dwivedi

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

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

The present criminal revision has been preferred by the revisionist through his father with a prayer to allow this revision and set aside the judgment and order dated 20.12.2025 passed by learned Additional District Judge/ Special Judge (POCSO Act)/Children Court Mirzapur in Criminal Appeal No. 48 of 2025, (Juvenile Vs. State of U.P.) as well as order dated 19.11.2025 passed by District Probation Officer/Juvenile Justice Board, Mirzapur. Further prayed to release the revisionist on bail in Case Crime No. 120 of 2025 under Section 376(2)N, 376(3), 506 I.P.C. and Section 5L/6 POCSO Act, Police Station Vindhyachal, District Mirzapur.

It is submitted by learned counsel for the revisionist that in this case the delinquent was aged about 14 years at the time of alleged incident and now he is 19 years. He further submits that the victim is also aged about 19 years but at the time of alleged incident she was aged about 14 years, that was the reason she was treated as minor and provisions under POCSO Act were also invoked. He also submits that as per allegation in F.I.R. the victim was in relation with the revisionist for a period of six years and physical relations were established between both of them on the pretext of marriage. When the revisionist denied present F.I.R. was lodged by the brother of the victim with false allegations. He also submits that there is criminal history of four cases against the revisionist which he has explained. He further submits that the statement of the victim was also recorded under Section 183 B.N.S.S. which shows that there was relation between the revisionist and the victim from the year 2018 but there is no any complaint on the part of victim either to her parents or to any other person or police. It is further submitted that there is nothing adverse against the interest of the delinquent in the report submitted by D.P.O.

It is further submitted that the provisions as contained u/s 12 of the Juvenile Justice Act had not been considered by the Juvenile Justice Board even the report submitted by Probation Officer was also not considered. The appellate court has also not considered all these facts but rejected the appeal without applying its judicial mind and considering the law as contained u/s 12 of the aforesaid Act. He is in Child Care Home since 25.04.2025 and his psychology is being affected adversely, therefore, requested to set aside orders 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 and contended that at the time of alleged incident the victim was minor, therefore, her consent is immaterial. Under threat to kill the revisionist established physical relations with her and also prepared photo and video on the basis of which he exploited her later on. In this way, the revisionist cannot be said to be innocent. If he is released on bail he will come in association with known criminals.

Considering the facts and circumstances of the case, submission made by learned counsel for both the parties as well as learned A.G.A. for the State, perusal of record, the contents of F.I.R., the statement of the victim herself, the age of the revisionist and the victim at the time of alleged incident, the time period he remained in observation home i.e. 25.04.2025, the provisions as contained u/s 12 of Juvenile Justice Act, the report submitted by the Probation Officer, it appears that Juvenile Justice Board as well as the appellate court had not considered the relevant provisions and the material on record in well manner but passed the orders 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 19.11.2025 and the appellate court dated 20.12.2025 are, hereby, set aside and present criminal revision is hereby, **allowed**.

It is directed that delinquent/applicant be released on bail on executing person bond by the revisionist (father 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/ father 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/ father 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/ father 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 5, 2026
Suraj Srivastav

(Subhash Chandra Sharma,J.)