



2026:AHC:168055

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2839 of 2026

X Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Alok Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

As per Office report notice has been served on the informant but none put an appearance on his behalf except learned A.G.A. for the State.

Heard learned counsel for the revisionist 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 mother with a prayer to allow this revision and set aside the judgment and order dated 03.04.2026 passed by learned Juvenile Court/ Special Judge (POCSO Act), Court No. 3, Ghaziabad in Criminal Appeal No. 40 of 2026 as well as order dated 13.02.2026 passed by the Juvenile Justice Board, Ghaziabad. Further prayed to release the revisionist on bail arising out of Case Crime No. 14 of 2025 under Sections 137 (2), 65(1), 115 (2) of B.N.S. and Section 3/4 of POCSO Act, Police Station Ankur Vihar, District Ghaziabad.

It is submitted by learned counsel for the revisionist that in this case the delinquent was aged about 17 years. He further submits that F.I.R. was lodged against the unknown persons since the victim was missing from her house. Later on she came back to her house and information in this regard was given by the informant herself to the police and it was clearly mentioned that she came back to her house who went away without telling her destination. It shows that the victim herself went away from her house and thereafter came back again after two days and no any offence was committed by the revisionist with her. He also submits that the statement of the victim was recorded under Section 183 B.N.S.S. in which she made false statement that she was kept in a room by tying and she lived there for a month thereafter she stayed in Hardoi for a month and then in Delhi thereafter she came back to her house but she did not make any statement regarding commission of rape and establishing physical relations by the present

revisionist with her. 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 17.11.2025 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 A.G.A. opposed the prayer as aforesaid.

Considering the facts and circumstances of the case, submission made by learned counsel for the revisionist as well as learned A.G.A. for the State, perusal of record, the contents of F.I.R., the report given by the informant to the police, regarding return of the victim, the statement of the victim herself under Section 183 B.N.S.S., the period he detained in observation home i.e. from 17.11.2025, 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 13.02.2026 and the appellate court dated 03.04.2026 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 (mother 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/ mother 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 mother will ensure that the juvenile will not repeat the offence.

(ii) The revisionist/ mother 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/ mother 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 11, 2026
Suraj Srivastav

(Subhash Chandra Sharma,J.)