



2026:AHC:175099

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4841 of 2026

X Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Abhishek Kumar Saroj, Nagendra
Bahadur Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

Despite notice on the opposite party 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 06.02.2026 passed by learned Children Court, District Auraiya in Criminal Appeal No. 100 of 2025 (Juvenile X Vs. State of U.P.) as well as order dated 02.12.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Auraiya (State of U.P. Vs. Juvenile "X"). Further prayed to release the revisionist on bail in Case Crime No. 0568 of 2025 under Sections 65(1), 351(2) B.N.S. and 3/4(2) POCSO Act, Police Station Ajitmal, District Auraiya.

It is submitted by learned counsel for the revisionist that in this case he is innocent and has falsely been implicated in the present case and he is aged about 17 years. He further submits that as per allegation in F.I.R. the revisionist committed rape with the victim in her house on 28.09.2025 and she disclosed this fact to her parents even though F.I.R. was lodged on 04.10.2025 after delay of six days without any explanation which creates doubt in the whole prosecution version. He further submits that during the medical examination no any external injury was found on her person though hymen found to be ruptured but it was mentioned as fresh whereas after lapse of six days such injury cannot be said to be fresh. 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 05.10.2025 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 period he detained in observation home i.e. from 05.10.2025, the contents of F.I.R., the six days delay in lodging F.I.R. without any explanation, the statement of the victim, 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 02.12.2025 and the appellate court dated 06.02.2026 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 19, 2026

Suraj Srivastav

(Subhash Chandra Sharma,J.)