

Court No. - 80

Case :- CRIMINAL REVISION No. - 687 of 2022

Revisionist :- Juvenile X

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Brajesh Kumar Solanki, Arvind Kumar Sahu, Ram Bahadur, Vindeshwari Prasad

Counsel for Opposite Party :- G.A., Virendra Kumar Gupta

Hon'ble Subhash Chandra Sharma, J.

List revised.

None appeared on behalf of learned counsel for the opposite party even in the revised call.

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 father with a prayer to allow this revision and set aside the judgment and order dated 10.01.2022 passed by learned Additional Sessions Judge/ Special Judge (POCSO Act), Budaun in Criminal Appeal No. 48 of 2021 as well as order dated 07.10.2021 passed by Juvenile Justice Board, Budaun. Further prayed to release the revisionist on bail in Case Crime No. 155 of 2020 under Sections 302, 506 I.P.C., Police Station Uzzhani, District Budaun.

It is submitted by learned counsel for the revisionist that in this case the delinquent was aged about 16 years and 11 months at the time of alleged incident. It is further submitted that in F.I.R. two person were named for causing injuries to the deceased on 19.06.2020 whose marriage was to be performed on 29.06.2020. The injured was taken to the hospital but succumbed to injuries on 20.06.2020. It is also submitted that the role of causing injuries with *lathi danda* and knife was assigned to both the accused persons including the present revisionist out of which co-accused Jugendr @ Yugendr has already been granted bail by Co-ordinate Bench of this Court by order dated 22.02.2021. The role of the present revisionist cannot be said to be different from that of co-accused. It is further submitted that there is nothing adverse against the interest of the revisionist 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 21.06.2020 i.e. more than three years 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 and urged that in this case the role of making assault with knife was given to the present revisionist. During post-mortem nine incised wounds were found on the person of the deceased which shows that the revisionist was knowing well the consequence of the act being committed by him. It is also urged that co-accused Jugendr @ Yugendr was given the role of assault with *danda* and the injuries caused with such an object were not fatal to the life that was the reason he was granted bail and the case of the present revisionist is different from that of co-accused and no parity can be claimed on that basis. It is also urged that in case the revisionist is released from custody he will come in association with known criminals.

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 orders passed by learned courts below do not appear to be illegal and inappropriate, as a result there appears no ground to make interference in the order in question.

Accordingly, this criminal revision is, hereby, ***dismissed***.

However, learned trial court is directed to make its endeavor to conclude the trial as far as possible within a period of one year from the date of production of certified copy of this order if there is no any legal impediment.

Order Date :- 22.11.2023

Suraj Srivastav