



2025:AHC:169569

Reserved On:- 01.09.2025

Delivered On:- 22.09.2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3778 of 2025

Juvenile X

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Anuj Srivastava, Devaang Savla, Ram
Prakash Sharma

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

Court No. - 47

HON'BLE SIDDHARTH, J.

1. Supplementary affidavit filed today is taken on record.

2. Learned A.G.A informs that report has come that informant has died and no one has turned up on behalf of informant to file any substitution application.

3. Heard Sri Anuj Srivasatava, learned counsel for the revisionist; learned A.G.A for the State-respondents and perused the trial court record.

4. The present criminal revision has been preferred against the impugned order dated 19.12.2024 passed by the Special Judge (Juvenile Court)/ Additional Sessions Judge, Mau in Criminal Appeal No. 06 of 2019 arising out of Case Crime No. 419 of 2001, under Sections- 147, 148, 149, 323, 504, 506 and 302 IPC, Police Station- Mohammadabad, District- Mau.

5. The Juvenile Justice Board, Mau by the judgment and order dated 10.03.2017 acquitted the revisionist of the charges under Sections- 147, 148, 149, 323, 504, 506, 302 IPC in Case No. 88 of 2016. The Criminal Appeal No. 06 of 2019 was preferred before the Children's Court by the informant-respondent no. 2 which was allowed by the judgment and order dated 19.12.2024 and the matter was remanded to the Juvenile Justice Board to decide the same, keeping in view the Section 18 of the Juvenile Justice (Care and Protection of Children) Act, 2015 for trial of revisionist for committing

the heinous offence of murder.

6. Learned counsel for the revisionist, Sri Anuj Srivastava, submits that the incident in dispute took place on 22.02.2001. The revisionist was granted bail by the court on 01.02.2002 on account of being juvenile and he was declared juvenile by the order dated 02.12.2016 and the judgment and order of acquittal was passed in his favour on 10.03.2017.

7. Learned counsel for the revisionist has also submitted that the impugned appellate order is based on Section 111 of the Juvenile Justice Act, 2015 but it has ignored Section 25 of the Juvenile Justice Act, 2015 which requires that the proceedings should have been continued before the Board of the Court as per the old Act in view of Section 25 of the Juvenile Justice Act. Hence, no appeal was maintainable from the order of acquittal as per Section 52(2)(a) of the Juvenile Justice Act, 2000.

8. Learned counsel for the revisionist has relied upon the judgment of the Apex Court in the case of ***Vijai Singh vs. State of Uttar Pradesh reported in 2003 1 AllCJ 433.***

9. Learned A.G.A has opposed the submissions made by learned counsel for the revisionist relying upon the case of ***Vijai Singh (Supra)*** and has submitted that as per Section 101 of the Juvenile Justice Act, 2015, the appeal preferred by the opposite party no. 2 before the Children's Court was maintainable in view of Section 101(3)(a) of the Juvenile Justice Act, 2015.

10. In view of Section 111 of Juvenile Justice Act, 2015 proceedings should have been conducted as per the aforesaid Act.

11. After hearing the rival submissions, this Court finds that the alleged offence in the present case was committed on 29.01.2001. The charge-sheet was submitted by the Investigating Officer on 14.09.2001. Charges were framed against accused on 28.05.2004 by the learned Sessions Judge. The trial commenced thereafter and the statement of P.W.-1 was recorded on 13.04.2006. Subsequently, the statements of witnesses were recorded between the year 2006 to 2016. Thereafter, the claim of juvenility was raised by revisionist before the Sessions Court by means of an application dated 28.07.2016, which was allowed vide order dated 02.12.2016, and the revisionist was declared to be juvenile. Consequently, the trial was transferred to the Juvenile Justice Board, Mau. Since the statements of

witnesses had already been recorded before the trial court, the Board, on the basis of the evidence available on record, came to the conclusion that the charges levelled against the revisionist were not proved. Accordingly, the revisionist was acquitted of all charges by order dated 10.03.2017. Thereafter the Criminal Appeal No. 06 of 2019 was preferred before the Children's Court with delay and after condonation of delay, the appeal was heard and the Board found that as per Section 101 of Juvenile Justice Act, 2015, the appeal is maintainable before the Appellate Court, since Section 111 of the Juvenile Justice Act, 2015 provides that the provisions of new Act will apply to the cases pending at the time of enforcement of the Juvenile Justice Act, 2015 with effect from 01.01.2016.

12. The Appellate Court further found that the date of birth of revisionist was 17.04.1984 and the F.I.R was lodged on 22.07.2001, therefore, he was aged 16 years, 11 months and 05 days on the date of incident. Since he committed heinous offence of murder, therefore the Juvenile Justice Board was required to pass the order under Section 18(3) of the Juvenile Justice Act, 2015 which was done and hence the matter was remanded to the Board for the aforesaid purpose.

13. In view of the above factual and legal position, it is evident that the trial of the revisionist commenced during the application of the Juvenile Justice Act, 2000. Therefore, in terms of Section 25 of the Juvenile Justice Act, 2015, such trial shall be deemed to continue as if the Act of 2015 had not been enacted. At the same time, Section 111 of the Juvenile Justice Act, 2015 stipulates that, notwithstanding the repeal of the Juvenile Justice Act, 2000, anything done or any action taken under the repealed Act shall be deemed to have been done or taken under the corresponding provisions of the Act of 2015.

14. The argument of learned counsel for the respondent nos. 1 and 2 that the proceedings shall be deemed to have been continued by the Juvenile Justice Board and Children's Court as per Section 111 of the Juvenile Justice Act, 2015 is misconceived.

15. This court finds that the provision of Section 25 of the Juvenile Justice Act, 2015, has an overriding effect over the provisions of the Juvenile Justice Act, 2015. It would be appropriate to reproduce the relevant statutory provisions for ready reference. Accordingly, Section 25 and Section 111 of the Juvenile Justice (Care and Protection of Children) Act, 2015 are being

quoted hereinbelow :-

"25. Special provision in respect of pending cases - Notwithstanding anything contained in this Act, all proceedings in respect of a child alleged or found to be in conflict with law pending before any Board or court on the date of commencement of this Act, shall be continue in that Board or court as if this Act had not been enacted.

111. Repeal and savings -

(i) The Juvenile Justice (Care Protection of Children) Act, 2000 (56 of 2000) is hereby repealed.

(ii) Notwithstanding such repeal, anything done or any action taken under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act."

16. It is clear from the aforesaid provisions that, in view of Section 25 of the Juvenile Justice Act, 2015, the provisions of the Juvenile Justice Act, 2000 shall apply to the present case. Section 111 of the Juvenile Justice Act, 2015 only saves anything done or action taken under the Juvenile Justice Act, 2000. This legal position with reference to J.J. Act, 1986 and J.J. Act, 2000 has already been clarified by this Court in **Vijai Singh v. State of U.P. and Another, reported in 2003 CriLJ 3461**, paragraphs 5 to 9 of the said judgment quoted hereinbelow :-

"(5) Thus, on the basis of above calculation both the revisionists either on the date of commission of offence or on the date of their surrender they were above 16 years of age. The old Act (The Juvenile Justice Act 1986) was replaced by new Act of 2000. The age in the old Act of 1986 for treating the offender to be a juvenile was upto 16 years only. The age was raised to 18 years only in the new Act of 2000.

(6) According to learned counsel for revisionists, the revisionists may also be extended the benefit of new Act. Learned A.G.A and learned counsel for respondent No. 2 has vehemently opposed on the ground that the new Act of 2000 was not in force on the date of occurrence hence, it is not applicable in the case of offences committed prior to the enforcement of New Act. This fact is not in dispute that the trial was pending prior to the date of enforcement of the new Act of 2000.

(7) The new Act of 2000 has made a special provision for dealing with the cases which are pending on the enforcement of the new Act. Section 20 of the Act reads as under :-
"20. Special provision in respect of pending cases- Notwithstanding anything

contained in this Act, all proceedings in respect of a juvenile pending in any Court in any area on the date on which this Act comes into force in that area, shall be continued in that Court as if this Act had not been passed and if the Court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Board which shall pass the orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that a juvenile has committed the offence."

(8) The position with regard to the pending cases has been made clear enough which shows that if any trial is pending on the date of enforcement of the new act, the proceedings shall be concluded under the provisions of the old Act. This provision has been made regarding the proceedings in respect of a juvenile but it does not say that a person not held to be juvenile under the old Act can be treated juvenile by the new Act if he is below the age of 18 years.

(9) In these circumstances the trial court has rightly held that provisions of new Act are not applicable to the instant case. Therefore, the order under revision does not suffer from any illegality or jurisdictional error."

17. In view of the aforesaid discussion, the judgment and order passed by the Appellate Court cannot be sustained and is hereby set aside.

18. The criminal revision stands ***allowed***.

19. Let the lower court record be returned to the trial court within period of two weeks.

September 22, 2025
Rohit

(Siddharth,J.)