

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 803 of 2015

Prajwal Dubey S/o Devesh Dubey Aged About 16 Years R/o 570, Sunder Nagar,
Raipur, P.S. D.D. Nagar, Civil & Revenue District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : The Police Station D.D. Nagar, Raipur District -
Raipur Chhattisgarh

---- Respondent

&

MCRCA No. 832 of 2015

Shivam Sharma S/o Dinbandhu Sharma Aged About 17 Years R/o 570, Sunder
Nagar, Raipur, P.S. - D.D. Nagar, Civil And Revenue District - Raipur
(Chhattisgarh) (Through Natural Guardian - Father)

---- Applicant

Versus

The State Of Chhattisgarh Through : The Police Station D.D. Nagar, Raipur,
District - Raipur (Chhattisgarh).

---- Respondent

Shri Satish Chandra Verma, counsel for the applicant/s.
Ms. Shubha Shrivastava, Panel Lawyer for the State.

Order On Board

27/08/2015

Both the aforesaid applications are being disposed off by this common
order, as they arise out of the same crime number.

The applicants in the aforesaid applications are apprehending their arrest
in connection with Crime No.124/15 registered at police station – D.D.Nagar,
Raipur, District – Raipur, Chhattisgarh for alleged commission of offence under
Section 294, 324, 307, 506/34 of IPC.

2. Prosecution case is that these two applicants and two other accused, who are students and claimed to be minor, assaulted with knife the victim Mrityunjay.

3. Learned counsel for the applicants submits that under the scheme of Juvenile Justice Act, 2000 (for short ' the Act of 2000'), the applicants cannot be arrested but they are to be dealt with in the manner prescribed under Section 10 of the Act of 2000 and other provisions of the Act by producing them before the Juvenile Justice Board. It is also submitted that as far as other applicant - Shivam Sharma is concerned, he was not even present at the time when the incident happened as stated in the FIR.

4. On the other hand, learned State counsel submits that prima facie, FIR statement shows that while Mrityunjay was going on road, he was obstructed and assaulted by Prajwal and other accused. Thereafter, he was assaulted with the help of knife and the doctor has opined that if proper treatment would not have been provided, there was danger to life.

5. As the applicants are stated to be juvenile, they cannot be arrested. However, they are required to be dealt with in accordance with the provisions contained in Section 10 of the Act of 2000 under which, the applicants have to be produced before the Juvenile Justice Board.

The applicants, therefore, shall appear before the Special Juvenile Police Unit In-charge of the area along with their parents and upon their appearance, the SJPU shall produce the applicants before the Juvenile Justice Board where the applicants may file appropriate application under Section 12 of the Act of 2000.

Sd/-

**Manindra Mohan Shrivastava
Judge**