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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : JANUARY 30, 2018

+ **CRL.REV.P. 200/2016**

ANIL JINDAL

..... Petitioner

Through : Mr.Harsh Prabhakar, Advocate.

versus

STATE (NCT) OF DELHI & ORS

..... Respondents

Through : Mr.Tarang Srivastava, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present revision petition has been preferred by the petitioner-Anil Jindal to challenge the legality and correctness of an order dated 11.01.2016 of Juvenile Justice Board-II whereby copy of the charge-sheet in case FIR No.518/2015 registered at Police Station Chhawala was not provided to him. The revision petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner is the complainant; the FIR was lodged on his complaint on 23.08.2015 when he reported that his son was kidnapped by respondent No.2 and was not traceable. Shortly after

the registration of the FIR, body of his missing son was recovered. Upon completion of investigation, a charge-sheet was filed against respondent No.2 and his cousin (respondent No.3) before the Juvenile Justice Board-II.

3. It is urged by the petitioner's counsel that the petitioner has filed proceedings under Section 156(3) Cr.P.C. to seek appropriate directions to ensure fair/proper investigation; the petitioner is not satisfied with the investigation carried out in this case. He had suspected the involvement of some other individuals whose role has not been investigated. The petitioner's contention is that to pursue his remedy under Section 156(3) Cr.P.C., charge-sheet filed by the investigating agency against respondents No.2 and 3 is required to be given to him.

4. The trial court by the impugned judgment declined to provide the charge-sheet primarily to maintain complete confidentiality in respect of the matters of juveniles.

5. Undisputedly, under Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 and Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009, the juvenile has a right to privacy and confidentiality and it is to be protected by all means and through all the stages of the proceedings and care and protection processes. It is also not in dispute that records in respect of the juvenile are to be kept in strict confidence and in safe place and not to be easily accessible.

6. In the instant case, the petitioner has lost his minor son. Being unsatisfied with the investigation carried out by the investigating agency to find out all the perpetrators of the crime, he has initiated

proceedings under Section 156(3) Cr.P.C. before the court of learned Metropolitan Magistrate. Apparently, to pursue the said proceedings, charge-sheet/final report submitted by the investigating agency before the Juvenile Justice Board is quite relevant. It is relevant to note that the petitioner at the time of lodging the report/FIR had named respondent No.2 as 'suspect'. Apparently, he was aware of the name and identity of respondent No.2 that time. It is further pertinent to note that the petitioner is a crucial witness and has been examined by the investigating agency as PW-1. In his deposition, he named respondent No.2, Juvenile, to be one of the accused persons responsible for his son's murder. He identified both the respondents No.2 and 3 before Juvenile Justice Board. Similarly, PW-2 (Shelkha Jindal), petitioner's wife and PW-3 (Sanjay Jindal) petitioner's younger brother have given statements naming the respondents in their deposition. In the deposition of PW-4 (ASI Jagat Singh), names of respondents No.2 and 3 find mention.

7. The petitioner has placed on record photocopies of the statements of PW-1 to PW-4 recorded before the trial court. These copies have been made available by applying fluid on the names of respondents No.2 and 3 in their statements to conceal their identity. Similar course can be adopted by the trial court while furnishing charge-sheet/final report to the petitioner to protect the interest of the respondents No.2 and 3 as well that of the petitioner's right to avail proper remedies for his dissatisfaction regarding fair investigation allegedly carried out by the investigating agency.

8. In the petition it was specifically mentioned by petitioner to have the copy of the charge-sheet by expunging the names and addresses of the juvenile in conflict with law from the documents supplied to him. He further undertook not to circulate the copies of the documents supplied to him in media etc. and to utilize them only in the effective prosecution of his legal remedies.

9. This Court in *Bharat Rattan Shah vs. State & Anr.* 2015 SCC OnLine Del 12184 held as under:

“22. This presupposes that any party which is aggrieved by any order passed by the Juvenile Justice Board, would be competent to maintain an appeal or revision as the case may be. Such remedies would become meaningless if the concerned person is not afforded and provided with certified copies of the orders passed by the competent authority or by the appellate or revisional Courts. Even if the Juvenile Justice (Care and Protection of Children) Act, 2000 is a beneficial legislation, meant only for the purposes of providing safety and taking care of the juveniles in conflict with law but a copy of the order cannot be refused to a person who seeks to challenge the declaration of juvenility of a particular person.

23. Thus the Juvenile Justice Board was in clear error in not providing the certified copy of its order on the ground that the records with respect to juveniles are required to be kept in strict confidence and in safe place so as not to be easily accessible. The Juvenile Justice Board completely misdirected itself in saying that there was a possibility of the records being used against a juvenile and that would be in breach of the confidentiality and right to privacy of the juvenile. The prayer of the petitioner was refused on additional ground that the juvenile has already been released in the present matter.”

10. In the case of *X Minor through Father Natural Guardian vs. State & Ors.* 2012 CrL.L.J.4482, this Court declined to supply copy of the final order to the victim as she did not have the remedy to file appeal against the order of the court mainly regarding proportionality of sentence. It was, however, noted in the said judgment that where the victim has right to challenge the order of Juvenile Justice Board before Superior Court by way of appeal or revision he has a right to get the copy of the said order under Section 15 of the Juvenile Justice Act. Needless to say this judgment did not debar the Juvenile Justice Board not to provide copy of the proceedings in every eventuality.

11. Considering the peculiar facts and circumstances of the case and the above referred circumstances whereby photocopies of the testimonies of the material witnesses have been already provided to the victim omitting the names of the juveniles, this Court finds merit in the petition to provide copy of the charge-sheet to enable him to pursue his remedies under Section 156 (3) Cr.P.C. The said charge-sheet shall be made available to the petitioner omitting the names of respondents No.2 and 3 emerging in the charge-sheet/documents. It is further ordered that these documents/charge-sheet shall be kept by the petitioner exclusively in his custody and shall not be circulated to any other individual for any purpose, whatsoever.

12. The revision petition stands disposed of in the above terms.

**S.P.GARG
(JUDGE)**

JANUARY 30, 2018/sa