

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.430 of 2019

Arising Out of PS. Case No.-182 Year-2016 Thana- WARISLIGANJ District- Nawada

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Amarjeet Kumar @ Amarjeet Kumar Verma, S/o Surendra Verma @ Surendra Prasad, Under the Natural Guardianship of Father Surendra Verma @ Surendra Prasad, Resident of Village- Chiraiyan, P.S.- Nardiganj, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s	:	Mr. Maheshwar Prasad, Advocate
For the Respondent/s	:	Mr. Abhay Kumar, A.P.P.
For the Informant	:	Mr. Arun Kumar Arun, Advocate
		Mr. Santosh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 19-02-2020 Heard learned counsel for the petitioner, learned counsel for the informant and the State.

Petitioner in this case has challenged the order dated 14.09.2018 passed by learned Additional Sessions Judge, Nawada dismissing the Cr. Appeal (Juvenile) No. 27 of 2017 which was preferred against the order dated 14.06.2017 passed by the Principal Magistrate, Juvenile Justice Board, Nawada in Warsaliganj P.S. Case No. 182 of 2016, G.R. No. 2010 of 2016 corresponding to Trial No. 571 of 2016 for the offences alleged under Sections 364, 365, 302, 201 and 120B of the Indian Penal Code.

Learned counsel for the petitioner has assailed the



impugned order by which the petitioner has been found to have the mental capacity to understand the kind of crime committed by him and the consequences thereof and in this regard the psychological test conducted by the Head of the Department of Psychology T.S. College, Hisua in presence of the Principal Magistrate also discloses that this petitioner has got criminal mentality and has got potential to commit crime.

Learned counsel submits that the impugned order passed by the learned Principal Magistrate as well as the learned appellate court are wholly illegal as those are not based on a correct psychological test conducted on the petitioner.

On the other hand, learned counsel for the informant as well as the State have opposed the prayer of the petitioner and submit that at this stage the petitioner cannot be allowed to challenge the preliminary assessment report as envisaged under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act of 2015'). It is submitted that Section 19 of the Act of 2015 operates as a safety valve for the petitioner and the Children Court would be still required to decide that there is a need for trial of the petitioner as an adult as per the provisions of the Code of Criminal Procedure, 1973. The Children Court is also



empowered under clause (ii) of Sub section (1) of Section 19 of the Act of 2015 to declare that there is no need for trial of the child as an adult and for this purpose the Children Court may conduct an enquiry as a Board and pass appropriate order in accordance with the provisions of Section 18 of the Act of 2015.

This Court is in agreement with the submissions of learned counsel for the informant and the State. The petitioner has no cause of action at this stage to challenge the preliminary assessment report and the decision of the Board under Sub section (3) of Section 18 of the Act of 2015. The Children Court to whom the case records have been transferred would be obliged to act in terms of Section 19 of the Act of 2015 and take an appropriate decision in accordance with law as regards the need of the petitioner to be tried as an adult by following the provisions under the Code of Criminal Procedure.

No interference with the impugned order is required.

This revision application stands disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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