

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.534 of 2021

Arising Out of PS. Case No.-200 Year-2019 Thana- ADAPUR District- East Champaran

XXX, Son of Wakil Miyan @ Wakil Ansari, Resident of Village- Hariharpur,
P.S.- Simraungarh, District- Bara (Nepal) under Guardianship his father Wakil
Miyan @ Wakil Ansari, aged about Son of Resident of Village- Hariharpur,
P.S.- Simraungarh, District- Bara (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey, Adv.
For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

Petitioner in this case is aggrieved by and dissatisfied with the order dated 17.07.2021 passed by learned Additional Sessions Judge-1st, East Champaran, Motihari in Cr. Appeal No.17/2021 by which the learned Additional Sessions Judge has refused to interfere with the order dated 08.04.2021 passed by the learned Juvenile Justice Board, East Champaran, Motihari in NDPS Case No.60/2019 arising out of Adapur P.S. Case No.200/2019, J.J. Board Trial No.1028/2021 as both the courts below have held the petitioner to be tried by the children court.

Learned counsel for the petitioner has assailed the impugned order on the ground that a prima-facie perusal of the



case diary would show that no case is being made out against the petitioner. No other ground has been raised to assail the impugned order.

Learned APP for the State submits that for purpose of preliminary assessment within the scope and ambit of Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act of 2015'), the court would not go into the kind of evidences present in the case. The Juvenile Justice Board has to take up the exercise of preliminary assessment within the four-corners of the provision of Section 15 of the Act of 2015 only.

It is submitted that in this case the petitioner is above 16 years of age and the allegation against him is that of commission of a heinous offence, therefore, the first twin tests to bring the petitioner within the ambit of Section 15 of the Act of 2015 is satisfied. It is further submitted that in this case the Board has assessed the mental capacity of the petitioner with the assistance of a counsellor and it has been found that he is physically and mentally fit to understand the act committed by him and the consequences thereof. It is, thus, submitted that at this stage no other material is to be looked into.

Having regard to the submissions noted hereinabove,



this Court finds that the learned Juvenile Justice Board has conducted the preliminary assessment of the petitioner in terms of Section 15 of the Act of 2015 with the assistance of a counsellor and has satisfied itself with the physical and mental capacity of the petitioner. The Appellate Court has rightly refused to interfere with the order of the Board.

Thus, this Court finds no reason to interfere with the impugned order. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

