

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3891 of 2022

**Minati Mallik Biswas @ Maniti Mallick
Vs.
The State of West Bengal**

Mr. Sayan De
Mr. Sayan Kanjilal
...for the petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas
...for the State

Item No.04.

Heard & Judgment on: 11.11.2022

Bibek Chaudhuri, J.

An order dated 12th September, 2022 passed by the learned Additional Sessions Judge, 2nd Court, Raiganj, Uttar Dinajpur cum Judge Special Court under the POCSO Act, Raiganj

in Criminal Appeal No.05 of 2022 arising out of Juvenile Justice Board (JJB) Proceeding No.63 of 2021 in connection with Chakuliya Police Station Case No. 330 of 2021 dated 5th December, 2021 under Sections 302/201 of the Indian Penal Code, thereby declining the prayer made on behalf of the petitioner by her mother to release the petitioner /juvenile in conflict with law on sufficient bond to be executed by her mother.

The instant revision was initially moved on 13th October, 2022 before the vacation Bench when a Co-ordinate Bench passed an order directing the learned Public Prosecutor—in-charge to submit a report from the Juvenile Justice Board detailing why the preliminary assessment could not be concluded even after the juvenile is detained since 6th December, 2021.

Learned advocate for the petitioner refers to sub-Section (3) of Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The relevant provision runs thus:-

“14. Inquiry by Board regarding child in conflict with law

“...(3) a preliminary assessment in case of heinous offences under Section 15 shall be disposed of by the Board

within a period of three months from the date of first production of the child before the Board.”

It is submitted by the learned advocate for the petitioner that the petitioner remains in observation home for the last one year. During this period the JJB could not complete preliminary assessment in terms of Section 14(3) of the said Act. On this ground the petitioner is entitled to be released on bond of her mother.

Learned P.P.-in-charge, on the other hand, submits that the Principal Magistrate, Juvenile Justice Board, Uttar Dinajpur submitted a detailed report dated 28th October, 2022 delineating the reason as to why preliminary assessment could not be done within the statutory period of time. It is ascertained from the said report that the constitution of JJB was incomplete at the relevant point of time because of nomination of a social worker member in the JJB. The social worker member has been appointed on 20th October, 2022. The said report be kept with the record.

Since the juvenile in conflict with law is booked in an offence punishable under Sections 302/201 of the Indian Penal Code, preliminary assessment under Section 14(3) read with

Section 15 of the said Act is absolutely necessary. Therefore, the JJB, Uttar Dinajpur is directed to conduct preliminary assessment positively by the next date fixed.

The petitioner is at liberty to take appropriate step after such preliminary assessment in accordance with law.

The instant revision is, thus, **disposed of** with the above order.

The parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)