

CRR 2642 of 2023

X
Vs.

The State of West Bengal & anr.

Adv. Afreen Begum,

...for the petitioner.

Adv. Sourav Chatterjee,

...for the O.P.2.

Adv. Anasuya Sinha,

Adv. Subhasree Patel,

...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The primary contention of the petitioner in the present application is that the learned Principal Magistrate, Juvenile Justice Board, 24 Parganas (South) released the 2nd opposite party/accused on bail without holding a preliminary assessment mandated by Sections 14(3) and 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015

Report submitted by the State demonstrates that no such assessment was done by the Board. This Court is informed that charge has been framed and witness action has commenced.

In view of the mandate laid down under Sections 14(3) and 15 of the Act of 2015, this Court is inclined to hold that Juvenile Justice Board, 24 Parganas (South) be directed to conduct a preliminary assessment in terms of Sections 14 and 15 of the Act of 2015 in order to ascertain the mental and physical capacity of the 2nd opposite party to commit the offence and also whether he is required to be tried as a juvenile. The 2nd opposite party shall continue to remain on bail till

such assessment is made by the Board. The Board is at liberty to take a decision in this regard upon such assessment being made.

Further proceedings of the case being G.R. case no. 55 of 2023 arising out of Bishnupur Police Station case no. 347 of 2023 dated 10th May, 2023 be stayed till completion of such assessment.

On prayer of the petitioner, the 2nd opposite party is at liberty to take necessary steps in accordance with law in the event the assessment is not in his favour.

Since nothing further remains to be adjudicated in the revisional application, the same is disposed of.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)