

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.300 of 2024

Arising Out of PS. Case No.-72 Year-2022 Thana- KOPA District- Saran

Sahil Sharma @ Sahil Kumar son of Nitendra Sharma @ Nital Sharma
Village- Bhatwalia PS- Kopa Dist- Saran P/A- Bhatwalia PS- Kopa Dist-
Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi wife of Shyam Babu Sharma Village- Bhatwalia Ps- Kopa Dist-
Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vipin Kumar Singh
For the Respondent/s	:	Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

10 24-07-2025 The father of the Juvenile has filed the instant criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, challenging an order dated 21st December 2023, passed by the learned Additional District Judge XII, Civil Court, Saran at Chapra on 21st December 2023. In Criminal Juvenile Appeal No.29/2022, instituted against the order passed by the Juvenile Justice Board, Saran at Chapra, an order was passed on 24th June 2022, holding, *inter alia*, that the CiCL was aged about 16 years 4 months on the date of commission of the alleged offence. Since the offence alleged against the petitioner was committed under Sections 302/201/34 IPC, the Board made a preliminary



assessment of a heinous offence as provided by Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015. After preliminary assessment, with regard to the mental and physical capacity of the juvenile's ability to understand the consequence of the offence and the circumstances in which he allegedly committed the offence, the Board, on majority, passed an order that, although the petitioner was more than 16 years of age on the date of commission of the offence, his mental ability was not at par with his age, and therefore the Board decided to try the case on its own.

2. The informant filed an appeal against the aforesaid decision, which was registered as Criminal Juvenile Appeal No. 29/2022. The said appeal was taken up for hearing by the learned Additional Sessions Judge XII, Saran at Chapra. The appellate court found that the offence allegedly committed by the CiCL along with a co-accused was heinous in nature. Secondly, the appellate court held that the juvenile had no interest in his life; he did not care to die and he is a follower of 'Ravana'. The Children's Court further held that the counselor reported that the juvenile had no proper understanding of the offence. However, the court of appeal found that the Board decided the issue without considering the report of the



counselor. Therefore, the Children's Court allowed the appeal, set aside the order passed by the Board and remitted back the case to the Board directing it to proceed with the case regarding prescribed trial procedure in accordance with law.

3. It is submitted by the learned Advocate for the petitioner that the petitioner is aggrieved against the said order passed by the appellate court without making the preliminary assessment into a heinous offence under Section 15 of the Act and the appellate court while deciding the appeal failed to take assistance of experienced psychologists, medical specialists, other than those whose assistance have been obtained by the Board in passing the order under the said Section.

4. The learned Advocate on behalf of the opposite party, on the other hand, submits that, after the impugned order dated 21st December 2023 was passed, the Board transferred the case to the Children's Court, the trial against the petitioner commenced, charges were framed, and five witnesses have been examined. At this stage, the instant revision becomes infructuous.

5. I have duly considered the subsequent development of the case. It is further found from the record that, while the CiCL was in the Children's Home, he, along with three other



CiCLs, committed the murder of the guard of the said home. The subsequent fact is also taken into consideration by this Court. Since the trial of the case has already commenced, I do not find any merit in the instant criminal revision.

6. Accordingly, the instant criminal revision is dismissed on contest. There shall, however, be no order as to costs.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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