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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CRL.A. 193/2018

VIKAS SANGWAN

.....Appellant

Through: Mr. Rahul Sharma, and Mr.
Pranav Dixit, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Ritesh Kumar Bahri, APP
for the State with Ms. Divya
Yadav and Mr. Lalit Luthra,
Advocates with SI Sachin.

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+ CRL.REF. 3/2016

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Rahul Sharma, and Mr.
Pranav Dixit, Advocates.
Mr. Dayan Krishnan, Senior
Advocate (*Amicus Curiae*) with
Mr. Sanjeevi Seshadri
Advocate.

versus

STATE

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP
for the State with Ms. Divya
Yadav and Mr. Lalit Luthra,
Advocates.
Ms. Vrinda Grover and Ms.
Devika Tulsiani, Advocates for
the intervenor [HAQ Cetnre for
Child Rights].

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CRL.REV.P. 696/2018

VIKAS SANGWAN

.....Petitioner

Through: Mr. Rahul Sharma, and Mr.
Pranav Dixit, Advocates.



versus

THE STATE (GOVT OF NCT OF DELHI)Respondent

Through: Mr. Ritesh Kumar Bahri, APP
for the State with Ms. Divya
Yadav and Mr. Lalit Luthra,
Advocates with Inspector
Viveka Nand, Police Station
Prashant Vihar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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08.07.2025

1. Pursuant to a letter dated 14.03.2014 received from Dr. Kamini Lao, learned Additional District Judge-2, North-West District, Rohini Courts, Delhi, the instant petition was taken up for hearing. A perusal of paragraph 8 would indicate that the decision of this Court was sought so that a uniform procedure may be adopted by all Juvenile Justice Boards [“JJBs”] while conducting preliminary assessment under Section 15(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 [“**the Act**”].

2. During the pendency of the present matter before this Court, the same issue arose before the Apex Court in **Barun Chandra Thakur vs. Master Bholu & Anr.**, (2023) 12 SCC 401. The Apex Court directed the National Commission for Protection of Child Rights [“NCPCR”] and State Commission for Protection of Child Rights [“SCPCR”] to issue guidelines or directions to facilitate the Boards to make a preliminary assessment under Section 15 of the Act. Paragraphs 91 and 92 of **Barun Chandra Thakur (supra)** are reproduced as under:-



“91. Before concluding, we may indicate that the task of preliminary assessment under Section 15 of the 2015 Act is a delicate task with requirement of expertise and has its own implications as regards trial of the case. In this view of the matter, it appears expedient that appropriate and specific guidelines in this regard are put in place. Without much elaboration, we leave it open for the Central Government and the National Commission for Protection of Child Rights and the State Commission for Protection of Child Rights to consider issuing guidelines or directions in this regard which may assist and facilitate the Board in making the preliminary assessment under Section 15 of the 2015 Act.

92. We also make it clear that any observations made in our order which may be touching the merits of the case were only for the purpose of deciding these appeals and the same would in no way influence the Board or the Children's Court or the High Court. They may proceed to decide the matters objectively on merits in accordance, with law.”

3. Pursuant to the said judgment, guidelines have been framed by the NCPCR and SCPCR. In view of the aforementioned, the present reference stands answered, and nothing survives in the instant petition.

4. Ms. Vrinda Grover, learned counsel appearing for the interveners, submits that these are only guidelines and they cannot be applied across the board in all situations and that adequate provisions must be made so that they can be modulated according to the facts and situation.

5. This Court need not answer this question in the present reference.

6. It is always open for Ms. Grover to make suggestions to the NCPCR and to the SCPCR to take into account the suggestions given by her, for including a provision giving the leeway to the Boards to tailor it according to the facts of the case.

7. It is made clear that since the guidelines have already been drawn, this Court has not gone into the correctness or otherwise of the said guidelines. It is always open for any person aggrieved by the



guidelines to take necessary steps in accordance with law.

8. We express our gratitude to the learned *Amicus Curiae*, Mr. Dayan Krishnan, learned senior counsel and Mr. Sanjeevi Seshadri, learned counsel for assisting this Court.

9. The petition is disposed of in the aforesaid terms.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 8, 2025/AK/VA