

**REPORT ON ALL CASES FILED IN APPEAL
BY THE JJB (JUVENILE JUSTICE BOARD's)
TO THE SESSION/HIGH COURTS OF INDIA)**

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IVTH YEAR

**SYMBIOSIS INTERNATIONAL UNIVERSITY,
PUNE**

SIU

AN ANALYSIS

<u>NAME OF THE COURT</u>	<u>NAME OF THE CASE</u>	<u>WHY DID THE MATTER REACH HIGH COURT</u>	<u>WHO PREFERRED THE APPEAL</u>	<u>DID IT OVERRULE THE DECISION OF JJB?</u>	<u>OBSERVATION/ANALYSIS</u>
ALLAHABAD HIGH COURT	1). Akhilesh vs. State of U.P And Anr. (Decided on 04.10.2010)	The Bail application of the Juvenile was rejected by the JJB & Session court? Hence appeal under Section 53 of JJ Act.	The accused/Appellant	No, it upheld the decision of the JJB & Session court	As the accused was charged under heinous crime and if released would expose to the criminal world and there was no one to take care of Juvenile his bail application was rejected.
	2). Lalji Yadav alias Lalit Kumar (in Jail) Vs. State of U.P. (decided on 16.12.2002)	The Bail application was rejected by the Juvenile Judge and was also by the session Judge and thus appeal for bail under JJ Act?	The accused/Appellant	Yes, it overruled the decision of the Juvenile Judge?	As the Act repealed the old one and there is no provision for Juvenile Judge and thereafter no such jurisdiction occurs to give orders. The juvenile may move an application under Sec. 437 Cr.P.C before Magistrate, if rejected he may move bail application to Session judge/High Court under Sec. 439 Cr.P.C. A application for bail can only be decided under the provisions of Cr.P.C. hence the revision was disposed of with such direction.

	3). Atul Kumar @Kuldeep vs. State of U.P and Anr. (Decided on 25.092008)	The revision petition was filed by the accused/appellant under Sec. 52 of the JJ Act, for the rejection of Bail application by the JJB, even after he was declared as Juvenile.	The accused/Appellant	Yes, it overrule the decision of the JJB	As according to JJB, it rejected the Bail on the ground that the accused might not get in contact with the criminal known world, but should not have ignored Sec. 12 of the JJ Act. Thereafter the bail was granted to the Petitioner.
	4). Lavi Yadav alias Love Yadav vs. State of U.P and Anr. (Decided on 31.01.2008)	The revision petition was filed by the appellant/accused on the ground of rejection of Bail application by the JJB & session Judge. Hence this appeal.	The appellant/accused	Yes, the decision of the JJB & Session Judge was overruled .	The learned court held that as JJB wrongly rejected the bail on the ground that the heinous crime cases are pending against the accused and thus, if released would expose to the criminal world. Thus on the basis of Sec. 12 and being a Juvenile, the Court quashed the decision of the JJB & session court and set aside and released the accused/petitioner.
	5). Nihal vs. State of U.P (Decided on 16.01.2012)	The criminal revision petition was filed by the petitioned/accused for rejection of his bail application and refusing of his date of birth on the date of commencement	The petitioner/accused.	Yes, it overruled the decision of JJB & session court.	The JJB & Session committed error, in disbelieving the School leaving certificate and marks sheet and to have called for radiological age of Juvenile. Their decision was incorrect and improper and thus is liable to be set aside,

		t of the alleged crime by the JJB & Session Court			and thus the revision petition by petitioner for grating of Bail application is allowed.
	6). Kaloo vs. State of U.P (decided on 16.06.2014)	The revision petition has been preferred by the Accused/petitioner on the ground of refusal of bail application by the JJB & Session court, though the revisionist was declared as Juvenile by the JJB, still the bail was rejected. Hence appeal.	The accused/Petitioner	Yes, it overruled the decision of JJB and session court.	The court found that, JJB rejected the Bail application on the ground that if released on bail would defeat the ends of justice and without giving any other grounds was rejected from the plea of granting bail. Hence the petition was allowed keeping the accused/petitioner to be Juvenile.
	7). Mukesh Kumar @Bhura vs. State of U.P (28 th July, 2010)	As both JJB and District & session court has dismissed the revision of Juvenile for bail on ground of heinous crime being committed.	Revisionist / Applicant	District court upheld the decision of JJB, but High court reversed the decision of both the lower courts and struck it down.	As pointed and decided by the two lower courts, the ground that the crime is heinous and thus the bail could not be granted is not a contingent or sufficient ground for rejection of bail application.
	8). Nand Lal & Anthr. Vs. State of UP	Lower appellate court and JJB, dismissed the application of	The Applicant / Appellant	No, it upheld the decision of lower	As decided by the lower court and JJB, it came to the conclusion and the applicant has no

	(11 th August, 2010)	Juvenility as the findings concluded the accused to be major.		court and JJB, on its findings that the applicant is major and not minor.	documentary evidence to prove his juvenility and the JJB is correct in its findings.
	9). Tajuddin S/O Mohd. Yunus vs. State of U.P (5 th Sept. 2000)	As session judge and JJB have refused to grant the bail to the juvenile as he has been a hardened criminal from past 10 years.	The applicant/appellant	No, the High Court have upheld the decision of the lower court and the JJB, and said that they have rightly pronounced the decision.	As, per the provisions of the JJ Act, juvenile can be released on bail, but in this case, the applicant was a hardened criminal from past 10 years, and would expose to hardened criminal if exposed to bail, thereby refusing to grant bail was the correct decision by the two authorities and should be upheld.
	10). Rama Kant vs. State of M.P And Anthr. (28 th July, 2000).	Accused/ Opposite part No. pleaded for the juvenility which was rejected by the juvenile judge and session judge.	By the Opposite Party No. 2	No over-rulings were done, as the juvenility question dealt by the juvenile judge was accurate.	Based upon the medical evidence and CMO's report, the accused party was not a juvenile as he was of 19 years of age at the time of commencement of crime.
	11). Dharamb ir vs. State of U.P & Another	The revision for bail under Section 52 of JJ Act was dismissed by Session judge	The appellant.	Yes, it overruled the decision and view of Lower	The grounds of denial of bail that the accused/appellant would expose to the criminality and

	(9 th August, 2010)	and the JJB, on the ground that if released on bail would expose to harden criminals though the applicant was declared as juvenile.		court and the JJB (Juvenile Justice Board)	would defeat the ends of justice, are not the sufficient or reasonable grounds, as specified by the Act in itself. Thereafter the decision of both the authorities was not sustained.
<u>CHATTISGARH HIGH COURT</u>	1). S.L Warkare vs. State of Chattisgarh and Another (Decided on 10.05.2012)	The appellant/complainant has challenged the Judgment of acquittal passed by the Principal Magistrate, JJB, acquitting the Respondent No. 2, a Juvenile from the charges under Sec. 302, 392 I.P.C. whereas the Board after considering the evidences lay before it, had acquitted the Respondent No. 2 from the charges.	The complainant/appellant	No, it upheld the decision of the JJB.	The court held that, as per the bare reading of provision, Sec. 52(2)(a) of JJ Act, 2000, it makes it clear that no appeal shall lie from any order of acquittal made by the Board in respect of a Juvenile and therefore, an acquittal appeal under proviso to Sec. 372 of the Cr.P.C against the order of acquittal passed by the Board in respect of a Juvenile alleged to have committed an offence would not be maintainable.
	2). Shrawan Bhagat vs. State of Chattisgarh (Decided on	By this criminal revision petition, appellant/revisionist has challenged the decision of the JJB & trial	The appellant/Revisionist.	Yes, the decision of JJB was overruled .	It was held that, the JJB and trial court, did not consider or bothered to have a look on to Sec. 12 of the JJ Act which clearly shows that the legislature has used the word

	14.05.20 14)	court, under Section 52 of JJ Act, on the ground of rejection of Bail for the reason that if released, the appellant/accused, would expose to the criminal world and would lead it to the physical or psychological danger. Hence appeal.			"shall" in the said section with great stress and with somewhat mandatory force which in other words mean ordinarily irrespective of the nature of offence whenever a juvenile applies for bail he should be released on bail, and only in exceptional circumstances when there are reasonable grounds for believing that the release of the applicant may lead to defeat the ends of justice or that the release of the juvenile may bring him into association with any known criminal or expose him to moral, physical or psychological danger, he shall not be so released. And thus, the orders of the JJB & trial court was set aside.
<u>DELHI HIGH COURT</u>	1). Shashi Kumar Saini vs. The State (Decided on 13.05.20 05)	Present petition was filed by the petitioner on the ground of refusal of Bail application by the JJB & so the decision of JJB was	The petitioner/accus ed	. Yes, the decision of JJB was overruled .	Herein, present petition was dismissed by JJB on the ground that, if released there was very likelihood that he might be exposed to the moral or psychological danger. Thus in

		approved by the Trial court			view of Section 12 of the JJ Act, the court allowed the petition of the accused.
	2). Devesh vs. The State (NCT of Delhi). (Decided on 12.05.2006)	A Revision Petition was filed under Section 12 of the JJ Act, on the ground for rejection of Bail application by the JJB & Trial Court with a baseless ground of reasoning. Hence this appeal.	The Accused/Petitioner	Yes, the order of the JJB & Trial court was overruled	The court directed the JJB & trial court to have a look on Sec. 12 of the JJ Act, which clearly indicates about the releasing of Juvenile as once declared Juvenile, he shall be released at once. The JJB has wrongly interpreted the Section on the ground that the released Juvenile would come into the close contact of the known criminals and thus, his bail application was rejected. Hence, the petition was approved by the court.
	3). Nand Kishore (in JC) vs. State (Decided on 07.07.2006)	The petition was with respect to the denial of the Bail application by the JJB & trial court on the exceptions grounds mentioned in the Bail provision of the JJ Act	The petitioner/Accused	Yes, the decision of JJB was overruled by the High Court	The court laid and explained the exceptions wherein which Bail cannot be granted (if a reasonable ground appears for believing that the release is likely to bring Juvenile into association of known criminals, or if his release is likely to expose him to any moral, physical or psychological

					danger, or if release would defeat the ends of justice), but in the present case no exception applies and thereby the petition needs to be allowed.
	4). Ruby vs. State (Nct of Delhi) (14 th January, 2013)	Appeal was for dismissing the order or decision of the JJB for concluding the accused as “not a juvenile” by verifying the birth certificate from the school, as any other documentary evidence was unavailable.	The appellant /Accused	No, it did uphold the decision of the JJB on account that it has given accurate findings.	The court concluded various points and various options available for the determination of the age through various documentary evidences and tests – like Matriculation certificate, birth certificate, medical report, ossification test, or ration card etc. and the accused appeal was therefore dismissed.
	5). X minor Through Father Naturalvs. State & Others. (17 th April, 2012)	The appeal was made as the JJB was not furnishing the judgment or the certified copy of the order as they have declared the accused responded No. 2 as Juvenile, but did not specify the reasons or the rights or remedies available to the victim or the petitioner herein. Is	The petitioner/Victim	Directions were given to the JJB, as the findings were not challenged or opposed.	It concluded that, Victim/petitioner has every right of claiming the final judgment copy and the certified order copies. And thus the JJB was directed to make aware of the final judgment and every aspect of the orders with respect to the juveniles punishment and reduction of the punishment as of a juvenile. Though the appeal was set disposed off.

		petitioner having any right to go for appeal or revision against the order of JJB for not availing the certified copy of the impugned order?			
	6). Manish @Sonu vs. State of Delhi (2 nd July, 2010)	Learned counsel for the appellant claimed for juvenility on the alleged date of incident. The additional Session judge passed on the matter to JJB, where JJB by relying upon the ossification test, determine the accused to be Not a Juvenile. Hence this appeal.	The Appellant/accused through his counsel.	No, it upheld the decision and accuracy of the opinion of the JJB (Juvenile Justice Board).	It concluded with the fact that, the accused/appellant failed to produce any documentary evidence like no matriculation certificate, and no birth certificate, rather when the ossification test was conducted his age was determined to be 20-21, of which according to his claim that JJB did not grant one year margin in age determination was wrong as JJB has given one year margin benefit to the accused after which his age was determined to be 20 years at the alleged date of incident, and thus was declare not to be a Juvenile under JJ Act, thus, his petition was dismissed accordingly.

	7). Lal Mohd. Vs. The State (Govt. of Nct Delhi), (12 th May, 2009)	The appellant accuse claimed to be a juvenile as after the decision of JJB, it concluded that accused is not a juvenile, thereafter it was asked to reconsider the same. The lower court send the report for testifying the age determination, where it concluded that the age of accused is 21 years and thus is not a juvenile. The appeal herein	The counsel for the appellant / accused on his behalf.	Yes, it overruled the decision of the JJB, On account of the medical report given by the AAIMS.	The court concluded by referring to various judicial pronouncements given by SC, on account of determination of age. It further concluded that, as the accused has already spend more than 8 years in imprisonment and which is in any case is greater than the quantum of punishment given by JJB, under JJ Act, and thus the accused was released on bail, and the appeal was thus disposed off.
<u>GUWAHAT HIGH COURT (AGARTAL A BENCH)</u>	1). Sri Bapi Adhikari S/o Radha Ballav Adhikari vs. The State of Tripura (Decided on 30.05.2011)	The petitioner was alleged for the crime of Murder under Sec. 302, I.P.C, wherein, his bail application was denied by the JJB authorities, on the ground that it would defeat the ends of Justice.	The petitioner/Accused	Yes, it overruled the decision of the JJB.	The court reviewed the ground of rejection of Bail by the JJB, it further held that, as per Section 12 of the JJ Act, there satisfy no grounds for rejection of the Bail and thereby JJB erred in rejecting the Bail of the accused, and hence the petition was allowed.
<u>JHARKHAND HIGH COURT</u>	1). Anuj Kumar Dubey vs. The State of	The petitioner prayed for the Bail under Section 12 of the JJ Act, as	The petitioner/Accused	Yes, the order/decision of the JJB & trial court	The court directed the JJB and Trial court to have a look onto Sec. 12 of the JJ Act, which

	Jharkhand (Decided on 16.03.2011)	the petitioner was a Juvenile, and the bail was refused by the JJB and session court on the ground that if released would expose to the criminal world or to the moral or psychological danger. Hence this appeal.		was overruled by the High Court.	indicates of releasing a Juvenile on Jail, unless any further case or inquiry has not been initiated against the Juvenile. thus the petition was approved/allowed.
	2). Dhannan jay Kumar Mahto @ Dhananjay Mahto vs. The State of Jharkhand. (Decided on 19.04.2011)	A criminal revision petition has been filed by the accused/appellant under Section 53 of the JJ Act, for setting aside the order of JJB and Trial court on the ground of rejection of Bail by the JJB and the Trial court. Hence this appeal.	The petitioner/Accused.	Yes, the order/decision of JJB was overruled .	The court focused and stressed on Section 12 of the JJ Act for grant of Bail to the Accused, wherein if he does not come under the said exception as provided by the JJ Act. and thus, the order of the JJB and Trail court was set aside on ground of improper reasoning.
	3). Krishna Munda and Etwa Munda @ Salik Munda vs. State of Jharkhand.	A criminal revision petition has been filed by the accused/appellant under Section 53 of the JJ Act, for setting aside the order of JJB and Trial	The petitioner/Accused.	Yes, the order/decision of JJB was overruled .	The court focused and stressed on Section 12 of the JJ Act for grant of Bail to the Accused, wherein if he does not come under the said exception as provided by the JJ Act. And only for the cause that the petitioner was a

	(Decided on 30.03.2011)	court on the ground of rejection of Bail by the JJB and the Trial court. Hence this appeal.			friend of the co-accused did not make him equally guilty. Thus, the order of the JJB and Trial court was set aside on ground of improper reasoning.
	4). Naresh Saw @ Naresh Sah vs. The State of Jharkhand. (Decided on 21.04.2011)	A criminal revision petition has been filed by the accused/appellant under Section 53 of the JJ Act, for setting aside the order of JJB and Trial court on the ground of rejection of Bail by the JJB and the Trial court. Hence this appeal.	The petitioner/Accused.	Yes, the order/decision of JJB was overruled.	The court focused and stressed on Section 12 of the JJ Act for grant of Bail to the Accused, wherein if he does not come under the said exception as provided by the JJ Act. And only for the cause that the petitioner was a friend of the co-accused did not make him equally guilty. Thus, the order of the JJB and Trial court was set aside on ground of improper reasoning. And the accused was released on Bail on fulfillment of certain bail bonds.
	5). Mohd. Reyajuddin Ansari @ Reyaj Ansari vs. State of Jharkhand. (Decided on 24.01.20	The petitioner filed an appeal for granting of Bail which was duly rejected by the JJB on the ground that if released the person would come into contact with bad company. Thus this	The petitioner/Appellant.	Yes, the order, decision of the JJB was overruled.	The court held that, as the decision of the JJB was very wrong in deciding or rejecting the Bail application of the Juvenile, whereas it completely overlook the provisions of the JJ Act. Thus, the order of the JJB was quashed and the petition was allowed.

	12)	appeal.			
	6). Niraj Thakur @ Niraj Kumar Thakur vs. State of Jharkhand. (Decided on 24.01.2012)	Petitioner was charged under Sec. 366 of I.P.C, and being a Juvenile he was declined from Bail and his Bail application was rejected, on the ground that if released would come into the company of bad people and thus would defeats the end of Justice.	The petitioner/Appellant	Yes, the decision of the JJB and trial court was overruled by the H.C	The court overruled the decision of the JJB, on the ground that, the court should have undergone and clearly examine the accused, his plea and the provisions of Bail under JJ Act, both the courts committed error in rejection or denial of Bail to the accused, and thus the orders of both the courts, stands, quashed, and the petition was allowed.
<u>ORISSA HIGH COURT</u>	1). Srikanta Rahana vs. State of Orissa. (Decided on 03.08.2012).	The criminal revision petition was filed by the petitioner on ground of rejection of Bail by the JJB, on the grounds that the parents of the appellant have not filed any petition that, if the appellant is released on bail, they would take care of him and prevent him from coming into contact with any known	The petitioner/Appellant	Yes, the order/decision of the JJB was overruled by the H.C	The H.C quashed the impugned orders of the JJB, on the ground that they were unreasonable and are having baseless reasoning of not filing any affidavit by the parents or any petition from parents for the care and custody of the child. Hence the petition was allowed.

		criminal or bad company. Hence this appeal.			
<u>PATNA HIGH COURT</u>	1). Ashish Kumar Bharti @ Suman Kumar Yadav vs. The State of Bihar. (Decided on 02.05.2013)	The criminal revision petition was filed by the accused/petitioner under Sec. 53 of the JJ Act on the ground of refusal for granting bail to the petitioner by the JJB. Hence this appeal.	The petitioner/accused herein.	Yes, the order of the JJB was set aside by the H.C	The court directed the JJB to have a look upon Section 12 of the JJ Act, and the importance of Sec. 12 with the effect of JJ Act. and thus the order passed by the JJB was quashed, and the petitioner was allowed.
	2). Bijay Rai son of Manejar Rai and Sudarshan Rai son of Moti Rai vs. State of Bihar. (Decided on 11.03.2010)	The revision petition was filed by the accused/petitioner on the ground against the order of the JJB & Trial court for not granting Bail, as the accused/petitioner was a Juvenile under JJ Act. Hence appeal.	The petitioner/accused through his counsel.	Yes, the order of JJB & Trial court was overruled by the H.C	As per the wordings of counsel for the appellant wherein he stated that if the Bail is granted to the adult accused then why it cannot be granted to the Juvenile, even when the Act itself provides for the Proviso of Bail in it. Thereby relying upon the statement of the appellant's counsel, the order of the JJB was quashed and the petition was allowed.
	3). Devendra Kumar son of Anand Mahto vs. State of Bihar.	A Revision petition was filed by the accused/petitioner on the ground for declining or refusing the	The petitioner/accused through his counsel.	Yes, the decision of the JJB and in furtherance of it, the	It was held by the Court that, as per the medical report the age of the accused was determined to be 18-20 years, and without any reasonable ground,

	(Decided on 29.03.2010).	accused from called as a Juvenile relying upon the Medial Board which was just constituted after nine months of the occurrence.		decision of Session court was overruled by H.C	the age of the accused as opined by the JJB was 20 years, which is against the principles stated in Rule 12 (3) of the Juvenile Justice Rules, 2007. And so the conclusion reached by the JJB & Session Judge was sustained and is not maintainable.
	4). Lal Babu Kumar @ Alatu son of Ram Nath Rai vs. The State of Bihar. (Decided on 03.03.2009)	A Revision petition was filed by the accused/petitioner on the ground for declining or refusing the accused from called as a Juvenile relying upon the Medial certificates. Hence appeal.	The petitioner/accused herein.	Yes, it overruled the decision of the JJB on the grounds mentioned in Rule 12 (3) of JJ Rules.	The court opined that the JJB committed error in determining the age of the accused/petitioner and not following the procedure as prescribed in section 12 of the JJ Act. and thus the order of the JJB was set aside and the petition was allowed.
	5). Munna Rajwanshi son of Sri Bhola Rajwanshi vs. The State of Bihar. (Decided on 05.02.2010)	Revision petition was filed by the accused/petitioner on the ground of declining of bail by the JJB and Session court. Hence this appeal.	The petitioner/accused herein.	Yes, the decision of the JJB and the session court was overruled by H.C	It was held that, the Trial court and JJB completely overlook the provisions of JJ Act i.e, Sec. 12 of the of the JJ Act, which was not proper and correct. Hence the impugned order passed by the JJB and Trial court was set aside, and the revision application was taken into consideration and thus allowed.

	<p>6). Pankaj Kumar son of Kanhaiya Verma vs. State of Bihar. (Decided on 05.02.2010)</p>	<p>The revision petition was filed by the accused/petitioner against the order/decision of the JJB and Session judge for not granting Bail as the petitioner/accused was a Juvenile.</p>	<p>The accused/petitioner.</p>	<p>Yes, the decision of the JJB and Session Judge was overruled by the H.C</p>	<p>As pleaded by the counsel for the petitioner, that as accused/appellant was no where connected to the outer world and after being successful in running away with his love he took help of no one outsider, and hence there is no chance of his mixing with any known criminal, nor there is alleged any other type of criminal activity of the petitioner, and thus his bail application should be allowed. Thus the court quashed the orders of the JJB & trial court and allowed the application.</p>
	<p>7). Ranjeet Kumar Rai @ Ranjeet Kumar vs. The State of Bihar. (Decided on 15.11.2011).</p>	<p>The accused/petitioner has filed a revision petition under Sec. 53 of the JJ Act, on the ground of refusal from granting bail by the JJB and Session Judge. As though being a Juvenile the application of the concerned Juvenile was denied.</p>	<p>The petitioner/accused.</p>	<p>Yes, the decision of the JJB & trial court was set aside and overruled by the Court.</p>	<p>As per the contentions laid down by the counsel for the appellant, it said that the bail application was rejected on the ground that if released the petitioner would come into the bad company or on connection with the known criminals. And thus, the reasons given by the JJB are baseless and thus the petition was allowed on the</p>

					condition that that one of the bailor must be the father of the petitioner, he would produce the petitioner whenever require by court, and petitioner will not indulge in any further or same offence, if fail the bail bond would be cancelled and the petitioner (Juvenile) would be taken into custody.
<u>PUNJAB & HARYANA HIGH COURT</u>	1). State of Punjab vs. Rajesh alias Tilak Ram. (Decided on 22.02.2010)	An application has been filed by the State of Punjab under Section 378(3) of Cr.P.C praying for leave to file an appeal against the Judgment of acquittal against the Juvenile by the JJB.	The State of Punjab.	No, it upheld the Judgment of the JJB.	The court held that, no appeal shall lie from any order of acquittal as against the order of the JJB in respect of a Juvenile alleged to have committed an offence as per Section 52(2) of the JJ Act, 2000. As of course can be entertained via suo-moto revision under Section 53 of the JJ Act. as the court came to the view that for the impugned judgment that the prosecution did not show any interest to lead any further evidence despite sufficient opportunities offered to it. It further held that JJB has rightly concluded the trial and passed a verdict

					of acquittal and the HC is satisfied with its order and thus upheld the same.
	2). Mandeep Sharma @ Prince vs. State of Punjab and Another. (Decided on 26.11.2013).	The revision petition was filed by the accused/petitioner against the order/decision of the JJB for not declaring the accused as a Juvenile. Hence appeal.	The petitioner/accused herein.	No overrulings or upholds were made in the instant case.	The court rejected the application/revision petition on the ground that as per Sec. 52(1) of the JJ Act, where the petitioner is having remedy to file appeal, against the order passed by JJB, before the Court of sessions. And thus this remedy of approaching the HC is available in the case if the court of session upheld the verdict of the JJB, and thence the present revision petition is not maintainable.
RAJASTHAN HIGH COURT (JAIPUR BENCH)	1). Afjal Khan vs. State of Rajasthan. (Decided on 07.01.2009)	The revision petition was filed by the petitioner/accused under Section 53 of the JJ Act against the decision of the JJB and Trial court for not granting Bail to the Juvenile/petitioner. The Bail application was rejected by the JJB and Trial court.	The petitioner/accused herein.	Yes, it was overruled by the H.C	The court concluded that, as going by Section 12 of the JJ Act, the JJB and the session court erred in refusing and declining the Bail application of the Juvenile as they would have carefully gone through the application under the purview of Section 12 of the JJ Act and then would have examined the same. Hence the impugned orders were quashed given

					by the JJB and the trial court and the petition was allowed.
	2). Chitarlal s/o Radheyl al vs. The State of Rajastha n through P.P. (Decided on 31.01.20 08)	Present revision petition has been filed by the petitioner against the order of JJB and session court for declining the bail application. Hence this appeal.	The petitioner/accus ed herein.	Yes, it overruled the impugne d orders of JJB and session court.	The court concluded that, as going by Section 12 of the JJ Act, the JJB and the session court erred in refusing and declining the Bail application of the Juvenile as they would have carefully gone through the application under the purview of Section 12 of the JJ Act and then would have examined the same. Hence the impugned orders were quashed given by the JJB and the trial court and the petition was allowed
	3). Deepak vs. State of Rajastha n. (Decided on 17.02.20 10).	A criminal revision petition has been filed by the petitioner/accu sed under Section 53 of the JJ Act, against the orders of JJB and session court for rejecting the Bail application of the accused/petitio ner.	The accused/petition er through his counsel.	Yes, the orders of JJB and Session court were dismissed	The reliance of court was emphasized on Section12 of the JJ Act, and thus the impugned orders of the JJB and the session court were stand quashed, and the revision petition was allowed in fulfillment of Bonds.

	4). Gorelal @ Gora vs. State of Rajastha n. (Decided on 08.0420 09).	The revision petition was filed under Section 53 of the JJ Act, on the ground of rejection of Bail application by the JJB. Hence this appeal.	The petitioner/accus ed	Yes, the decision of the JJB was overruled by the H.C	The court focused on Section 12 of the JJ Act and directed the JJB for not overlooking the said provisions of the JJ Act and to act leniently in the matter of Bail to the Juveniles. Thus the impugned order given by the JJB was set aside and the petition was allowed.
	5). Harish vs. State of Rajastha n. (Decided on 27.09.20 10)	The revision petition was filed under Section 53 of the JJ Act, on the ground of rejection of Bail application by the JJB. Hence this appeal.	The petitioner/accus ed	Yes, the decision of the JJB was overruled by the H.C	The court focused on Section 12 of the JJ Act and directed the JJB for not overlooking the said provisions of the JJ Act and to act leniently in the matter of Bail to the Juveniles. Thus the impugned order given by the JJB was set aside and the petition was allowed.
	6). Kumari Rekha vs. State of Rajastha n. (Decided on 28.04.20 10).	The revision petition was filed under Section 53 of the JJ Act, on the ground of rejection of Bail application by the JJB and the session court. . Hence this appeal.	The petitioner/accus ed herein through his counsel.	Yes, the orders of the JJB and Session court was dismissed and overruled .	The court focused on Section 12 of the JJ Act and directed the JJB for not overlooking the said provisions of the JJ Act and to act leniently in the matter of Bail to the Juveniles. Thus the impugned order given by the JJB was set aside and the petition was allowed. And after furnishing the Bail

					bonds the accused/petitioner was released.
	7). Mukesh vs. The State of Rajasthan. (Decided on 12.01.2009).	The instant criminal petition was filed under Section 53 of the JJ Act for the rejection of Bail application by the JJB and the session court. Thus the appeal.	The petitioner/appellant	Yes, the orders of the JJJB was overruled and dismissed .	The reliance of court was emphasized on Section 12 of the JJ Act, and thus the impugned orders of the JJB and the session court were stand quashed, and the revision petition was allowed in fulfillment of Bonds.
	8). Raju vs. State of Rajasthan. (Decided on 06.01.2009).	The instant criminal petition was filed under Section 53 of the JJ Act for the rejection of Bail application by the JJB. Thus the appeal.	The petitioner/appellant	Yes, the orders of the JJJB was overruled and dismissed .	The reliance of court was emphasized on Section 12 of the JJ Act, and thus the impugned orders of the JJB stand quashed, and the revision petition was allowed in fulfillment of Bonds.
	9). Ritesh Sahu vs. State of Rajasthan. (Decided on 17.10.2008).	The present criminal revision petition was filed by the petitioner/accused under Section 53 of the JJ Act, on the ground that if released the petitioner would fall into the company of bad people. And on this reliance the Bail application	The petitioner/accused.	Yes, the impugned orders were set aside and were overruled by the H.C.	The court after complete analysis of both the counsel's contentions, laid the importance of section 12 of the JJ act, and the exceptions as laid down in the JJ Act, wherein it noticed, that the ground as mentioned by the JJB and the said was upheld by the Trial court was not reasonable and would cause injustice to the petitioner. The

		was rejected by the JJB and the trial court.			impugned orders of both the courts were set aside and quashed and the application was allowed in the terms and satisfaction of the Board and after the fulfillment of required Bail bonds.
	10). Pradhan Singh vs. State of Rajasthan Through Public Prosecutor (5 th Oct. 2012)	The appellant / accused herein was involved in the criminal offence of Sec. 302, I.P.C, whereas, he pleaded for Bail as he was a Juvenile as per JJ Act, whereas, his plea was rejected by both JJB & Trial court on the ground of heinous crime. Hence appeal.	The accused/Appellant	No, the court upheld the directions and decision of the JJB.	The court concluded that, as per Sec. 12 of the JJ Act, every Juvenile is entitled for Bail, but as the accused was charged alongwith his father and some close relatives there would be no other persons to protect the interest of the petitioner or to guide and keep supervision, while on bail. And thus, his petition was dismissed on various grounds.
	11). Danaram vs. State of Rajasthan through Public Prosecutor (6 th Dec. 2013)	The accused/appellant herein appealed for bail as he was a Juvenile on the date of commencement of the alleged crime. But his bail was rejected by both JJB & trial court. Hence this appeal.	The accused/appellant herein.	Yes, it overruled the decision of the JJB.	The learned court briefly examined the accused petition and the rejections and also tells the importance of Section 12, as every Juvenile needs to avail a bail and his bail would not be refused until unless any other serious charge is imposed against him in any other case or matter in issue, and thus the orders of the JJB &

					Trial court were quashed and set aside and the accused/appellant herein was granted bail.
	12). Vinod vs. State of Rajasthan Through PP (8 th January, 2014)	The accused/appellant herein appealed for bail as he was a Juvenile on the date of commencement of the alleged crime. But his bail was rejected by both JJB & trial court. Hence this appeal.	The accused/appellant herein.	Yes, it overruled the decision of the JJB.	The learned court briefly examined the accused petition and the rejections and also tells the importance of Section 12, as every Juvenile needs to avail a bail and his bail would not be refused until unless any other serious charge is imposed against him in any other case or matter in issue, and thus the orders of the JJB & Trial court were quashed and set aside and the accused/appellant herein was granted bail.
	13). Lala@Laxmi Narayan vs. State of Rajasthan through Public Prosecutor (4 th February, 2014)	The accused/appellant herein appealed for bail as he was a Juvenile on the date of commencement of the alleged crime. But his bail was rejected by both JJB & trial court. Hence this appeal.	The accused/appellant herein.	Yes, it overruled the decision of the JJB.	The learned court briefly examined the accused petition and the rejections and also tells the importance of Section 12, as every Juvenile needs to avail a bail and his bail would not be refused until unless any other serious charge is imposed against him in any other case or matter in issue, and thus the orders of the JJB &

					Trial court were quashed and set aside and the accused/appellant herein was granted bail.
	14). Ravit vs. State of Rajasthan Through PP (4 th February, 2014).	The accused/appellant herein appealed for bail as he was a Juvenile on the date of commencement of the alleged crime. But his bail was rejected by both JJB & trial court. Hence this appeal.	The accused/appellant herein.	Yes, it overruled the decision of the JJB.	The learned court briefly examined the accused petition and the rejections and also tells the importance of Section 12, as every Juvenile needs to avail a bail and his bail would not be refused until unless any other serious charge is imposed against him in any other case or matter in issue, and thus the orders of the JJB & Trial court were quashed and set aside and the accused/appellant herein was granted bail.
	15). Bhuru Bheel Urf Buru Bheel vs. State of Rajasthan Through PP (9 th January, 2014)	The accused/appellant herein appealed for bail as he was a Juvenile on the date of commencement of the alleged crime. But his bail was rejected by both JJB & trial court. Hence this appeal.	The accused/appellant herein.	Yes, it overruled the decision of the JJB.	The learned court briefly examined the accused petition and the rejections and also tells the importance of Section 12, as every Juvenile needs to avail a bail and his bail would not be refused until unless any other serious charge is imposed against him in any other case or matter in issue, and thus the orders of the JJB &

					Trial court were quashed and set aside and the accused/appellant herein was granted bail.
	16). Pushker Yadav urf Shashi Kumar vs. State of Rajasthan Through PP (25 th July, 2012)	The revision petition has been filed by the accused/appellant under Sec. 53 of the JJ Act, 2000, for bail. But was duly rejected by the JJB & Trial court, hence this appeal	The accused/Plaintiff through his father.	Yes, it overruled the decision of JJB by granting the bail application.	The court accepted the petition providing fulfillment of the bail bond and thus granted the bail, but the father of the accused/appellant needs to appear before the court, whenever called.
	17). Room Singh vs. State of Rajasthan Through PP (2 nd March, 2012)	The revision petition has been filed by the accused/appellant under Sec. 53 of the JJ Act, 2000, for bail. But was duly rejected by the JJB & Trial court, hence this appeal	The accused/Plaintiff through his father.	Yes, it overruled the decision of JJB by granting the bail application.	The court accepted the petition providing fulfillment of the bail bond and thus granted the bail, but the father of the accused/appellant needs to appear before the court, whenever called.
	18). Sher Singh vs. State of Rajasthan Through PP (18 th July, 2012)	The revision petition has been filed by the accused/appellant under Sec. 53 of the JJ Act, 2000, for bail. But was duly rejected by the JJB & Trial court,	The accused/Plaintiff through his father.	Yes, it overruled the decision of JJB by granting the bail application.	The court accepted the petition providing fulfillment of the bail bond and thus granted the bail, but the father of the accused/appellant needs to appear before the court, whenever called.

		hence this appeal			
	19). Sachin vs. State of Rajasthan Through PP (10 th August, 2010)	The appeal was with respect to the refusal of Bail by the JJB & Session Judge, completely overlooking the mandatory provision of JJ Act. hence this appeal	The appellant/accused	Yes, it overruled the decision of the JJB.	The court directed the trial court and JJB for not looking into Section 12 of the JJ Act which is a mandatory provision, and just going on by the medical report without looking into the matriculation certificate. Thus the sentence of the JJB & Trial court was quashed and the accused was granted bail.
	20). Santosh alias Dholia vs State of Rajasthan Through PP (11 th August, 2010)	The accused/appellant has filed the petition under Sec. 12 of the JJ Act, for declining or refusals of bail by the JJB & Trial court, hence this appeal.	The appellant/accused.	Yes, it overruled the decision of the JJB.	The court concluded that, just on assumption that the accused if released would expose to criminal activity and criminal world, an accused cannot be refused with his right to access bail, and hence, the decision of the Trial court & JJB was quashed and the accused was released on bail.
	21). Maharaj Singh vs. State of Rajasthan (11 th August, 2010)	The accused/appellant has filed the petition under Sec. 12 of the JJ Act, for declining or refusal of bail by the JJB & Trial court, hence this	The appellant/accused.	Yes, it overruled the decision of the JJB.	The court concluded that, just on assumption that the accused if released would expose to criminal activity and criminal world, an accused cannot be refused with his right to access bail, and hence, the

		appeal.			decision of the Trial court & JJB was quashed and the accused was released on bail.
<u>UTTARAKH HAND HIGH COURT</u>	1). Fool Chandra Chauhan vs. State of Uttaranchal & another. (Decided on 06.07.2010).	A criminal application has been filed by the complainant under Sec. 482 Cr.P.C for quashing the order of JJB in declaring the Respondent No. 2 as Juvenile. Hence this appeal.	The complainant.	No, the order of the JJB was upheld by the H.C	It was held by the court that, when the school certificate is relied upon for the determination of age at the time of incident, the report of Medical board rather C.M.O cannot be taken into consideration. And hence upheld the order of the JJB and disposed of the application on devoid merits, on the ground that the revision was firstly maintainable before the session Judge under Section 52 of the JJ Act 2000, and is maintainable before the H.C only under Sec. 53 of the JJ Act. Mob
	2). Mobeen Ahmed vs. State of Uttarakh and. (Decided on 10.03.2010)	A criminal revision petition was filed by the petitioner under Section 53 of the JJ Act on the ground that JJB and session court did not declare complainant as a Juvenile. Hence this	The Revisionist/complainant	No, the order of JJB and Session court was upheld by the H.C	It was held that, JJB and session court has arrived correctly to the conclusion of determination of age of the complainant in placing reliance upon the medical board report as the school certificates were in contradictions and was showing two dates, which due to this was creating

		appeal.			doubtful situation and thus the order of JJB and session court was upheld by the H.C and dismissing the petition of the petitioner.
	3). Pritam Singh (Minor) vs. State of Uttarakh and. (Decided on 05.11.2007).	A Revision petition was filed by the petitioner under Section 53 of the JJ Act, against the orders of JJB and session court, on the ground that they did not considered the plea of Juvenility and declared the minor petitioner to be Major. Hence this appeal.	The revisionist/accused.	Yes, the orders of JJB and session court were overruled by the JJB.	The court came to the conclusion that, JJB and session court erred in deciding the Juvenility of the petitioner, and had completely overlooked Rule 22 of the Uttaranchal JJ Rules, 2002. And thus did not followed the procedure as laid down therein. And thus both the impugned orders were set aside and the petition was allowed.
	4). Shahruk S/o Raees vs. State of Uttarakh and. (Decided on 21.03.2012).	The revision petition has been filed by the accused/petitioner against the order of the JJB and trial court for not granting him Bail. Hence the appeal.	The revisionist/accused.	Yes, the orders were overruled by the H.C	It was held that considering the age of the Accused/petitioner and not the seriousness of crime and as also provided in the provisos of JJ Act, the petitioner has a right to avail the benefit of Bail as if not granted it would cause injustice to him. Thus both the impugned orders are liable to be set aside and the revision

					application was allowed on the said grounds of Bail and provisions as per the JJ Act.
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LEVEL II ANALYSIS

REVIEW / ANALYSIS OF THE APPEALS FILED AGAINST THE DECISION OF THE JJB's/TRIAL COURTS TO THE HIGH COURTS/SUPREME COURT

<u>Serial No:-</u>	<u>NAME OF THE HIGH COURTS</u>	<u>NO. OF CASES</u>	<u>RELEASED ON GROUND OF 'BAIL'</u>	<u>RELEASED ON GROUND OF BEING A 'MINOR'</u>
1).	ALLAHABAD HIGH COURT	11	10	1
2).	CHATTISGARH HIGH COURT	2	1	1
3).	DELHI HIGH COURT	7	7	0
4).	GUWAHATI HIGH COURT	1	1	0
5).	JHARKHAND HIGH COURT	6	4	2
6).	ORISSA HIGH COURT	1	1	0
7).	PATNA HIGH COURT	6	6	1
8).	PUNJAB & HARYANA HIGH COURT	2	2	0
9).	RAJASTHAN HIGH COURT	21	21	0
10).	UTTARAKHAND HIGH COURT	4	4	0
<u>TOTAL</u>		<u>62</u>	<u>57</u>	<u>5</u>

**OBSERVANCE OF JUVENILE JUSTICE BOARDS & HIGH COURTS IN
GRANTING BAIL**

<u>SR. NO.</u>	<u>NAME OF THE HIGH COURT</u>	<u>NUMBER OF CASES</u>	<u>GRANT OF BAIL BY JJB's</u>	<u>GRANT OF BAIL BY HIGH COURT's</u>
1).	ALLAHABAD HIGH COURT	11	NO	YES
2).	CHATTISGARH HIGH COURT	2	NO	YES
3).	DELHI HIGH COURT	7	NO	YES
4).	GUWAHATI HIGH COURT	1	NO	YES
5).	JHARKHAND HIGH COURT	6	NO	YES
6).	ORISSA HIGH COURT	1	NO	YES
7).	PATNA HIGH COURT	6	NO	YES
8).	PUNJAB & HARYANA HIGH COURT	2	NO	YES
9).	RAJASTHAN HIGH COURT	21	NO	YES
10).	UTTARAKHAND HIGH COURT	4	NO	YES

GRAPHICAL REPRESENTATIONS

