

ITEM NO.32

COURT NO.4

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 21259/2025

[Arising out of impugned final judgment and order dated 08-09-2025 in CRLR No. 918/2024 passed by the High Court of Judicature at Allahabad]

JUVENILE X (MINOR)

Petitioner(s)

VERSUS

STATE OF U.P & ORS.
FOR ADMISSION

Respondent(s)

Date : 14-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Lokesh Kumar Choudhary, AOR

For Respondent(s) Ms. Ruchira Goel, AOR
Ms. Ritika Rao, Adv.
Mr. Sharanya, Adv.
Ms. Rishika Rishabh, Adv.
Ms. Krithi Ballal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard the learned counsel appearing for the parties.

The issue raised in the present petition is covered by the decision of this Court in *Barun Chandra Thakur v. Master Bholu And Another* - (2023)

12 SCC 401 wherein it has been held as under:

"85. We are conscious of the fact that the power to make the preliminary assessment is vested in the Board and also the Children's

Court under Sections 15 and 19 respectively. The Children's Court, on its own, upon a matter being referred to under Section 18(3), would still examine whether the child is to be tried as an adult or not, and if it would come to the conclusion that the child was not to be tried as an adult then it would itself conduct an inquiry as a Board and pass appropriate orders under Section 18. Thus, the power to carry out the preliminary assessment rests with the Board and the Children's Court. This Court cannot delve upon the exercise of preliminary assessment. This Court will only examine as to whether the preliminary assessment has been carried out as required under law or not. Even the High Court, exercising revisionary power under Section 102, would test the decision of the Board or the Children's Court with respect to its legality or propriety only. In the present case, the High Court has, after remanded the matter to the Board with further directions to take additional evidence and also to afford adequate opportunity to the child before taking a fresh decision."

In view of the law laid down as aforestated, the said exercise undertaken by the Juvenile Justice Board is only a preliminary one and, therefore, there is no bar for the Children's Court to go into the said issue once again, extensively.

In such view of the matter, the Special Leave

Petition stands disposed of by giving liberty to the petitioner to have recourse before the Children's Court, in which case the order passed by the Juvenile Justice Board will not stand in the way.

Pending application(s), if any, shall also stand disposed of.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR