THE HIGH COURT OF ORISSA : CUTTACK

No.OHC-JJ-JJ-0001-2026/ 7980(30) / Dated 14/05/2026

From

Dr. Bhagyalaxmi Rath,
Registrar General

To

The District & Sessions Judge, ... (All)

Sub:- Forwarding of Judgement dated 06.04.2026 passed by the Hon'ble Supreme Court of India in Criminal Appeal No. 2010 of 2026 (arising out of Special Leave Petition (Crl.) No. 16883 of 2025) titled *"Juvenile Delinquent vs. State of U.P. and Ors."*.

Sir,

I am directed to forward herewith a copy of the Judgement dated 06.04.2026 passed by the Hon'ble Supreme Court of India in Criminal Appeal No. 2010 of 2026 (arising out of Special Leave Petition (Crl.) No. 16883 of 2025) titled *"Juvenile Delinquent vs. State of U.P. and Ors."* for your information.

You are requested to circulate the same amongst all the Judicial Officers working within your jurisdiction, including the Officers presiding over the Juvenile Justice Boards, for their information and guidance, with a direction to exercise utmost care and sensitivity while dealing with matters relating to juveniles in conflict with law.

Yours faithfully,
14.5.2026
REGISTRAR GENERAL

Encl:- As above.

Memo No. 7981 / dtd. 14/05/2026

Copy along with a copy of the Judgment dated 06.04.2026 forwarded to the Director, Odisha Judicial Academy, Cuttack, for information with a request to sensitize and apprise all Judicial Officers on the legal principles and guidelines laid down therein concerning juvenility and matters relating to juveniles in conflict with law.

14.5.2026
REGISTRAR GENERAL

Through e-mail

OFFICE OF THE DISTRICT JUDGE, GANJAM, BERHAMPUR.

e-mail: dsj.ganjam-od@indiancourts.nic.in

Memo No. 6494(70) ***dtd.*** 22/05/2026

Copy along with its enclosure is forwarded to: -

1. The Member, 2nd. MACT (SD), Berhampur
2. The Judge, Family Court, Berhampur
3. The Spl. Judge (Vig.), Berhampur
4. The Additional District Judge-cum-Spl. Court under POCSO Act, Berhampur
5. The Ad-hoc Additional District Judge, (FTSC) under POCSO Act, Berhampur
6. The Presiding Officer, Designated Court under OPID Act, Berhampur
7. The 1st /2nd/ 3rd Addl. District Judge, Berhampur
8. The Addl. District Judge (LR & LTV), Berhampur
9. The Additional District Judge, Aska / Bhanjanagar / Chatrapur / Khallikote / Kodala
10. The Chief Judicial Magistrate, Ganjam, Berhampur /The Addl. Chief Judicial Magistrate, Berhampur
11. The ASJ-cum-Registrar, Civil Courts, Berhampur /The Civil Judge (Sr. Divn), Berhampur
12. The Civil Judge (Sr. Divn.), Aska / Bhanjanagar / Chatrapur / Hinjilicut / Khallikote / Kodala / Purushottampur / Sorada / Digapahandi
13. The Civil Judge (Sr. Divn.) (Commercial Court), Berhampur
14. The 1st / 2nd Additional Civil Judge (Sr. Divn.), Berhampur
15. The Civil Judge (Sr. Divn.) (LR & LTV), Berhampur
16. The Principal Magistrate, Juvenile Justice Board, Berhampur
17. The Principal Magistrate, Addl. Juvenile Justice Board, Chhatrapur
18. The Civil Judge, Berhampur / The Civil Judge-cum-JMFC, Aska
19. The SDJM, Berhampur / Bhanjanagar / Chatrapur
20. The J.M.F.C(Rural) (Cog.Taking.), Berhampur
21. The JMFC Aska (Cog.) / Bhanjanagar / Buguda / Chatrapur / Digapahandi / Hinjilicut / Jagannathprasad/ Kabisuryanagar / Khallikote / Kodala / Patrapur / Polasara / Purushottampur / Seragada / Soroda / The Nyayadhikari, Gramnyayalaya, Sanakhemundi / The JMFC (Transport), Berhampur / All the JMFCs, Berhampur/ Aska

    for information and guidance with a direction to exercise utmost care and sensitivity while dealing with matters relating to juveniles in conflict with law.
22. The Executive Assistant / Peshkar/ Sessions Clerk/ Civil Appeal Clerk/ Criminal Appeal Clerk/ MAC Clerk, District Court, Berhampur for informationand necessary action.
23. The System Officer, District Court, Ganjam, Berhampur for information with a direction to upload the same on the Official Website of Ganjam Judgeship for general information.
24. Guard file.

Registrar,
Civil Courts, Berhampur
22/05/2026

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2010 OF 2026

(Arising out of Special Leave Petition (Crl.) No. 16883 OF 2025)

JUVENILE DELINQUENT ...**APPELLANT(S)**

VERSUS

STATE OF U.P. AND ORS. ...**RESPONDENT(S)**

J U D G M E N T

J.K. MAHESHWARI, J.

1. Leave granted.

2. The present Appeal has been preferred assailing the order dated 20.05.2025 passed by the High Court of Judicature at Allahabad *(hereinafter,* ***'High Court'****)* in Criminal Revision No. 1491/2024 whereby the Revision against rejection of Appellant's bail application was dismissed

3. The High Court, in the order impugned, has observed as thus -

> *"8. Having gone through the record, this Court finds that since the age of revisionist is above 16 years and below 18 years and case heinous in nature (sic), his trial is going on*

as an adult, therefore, in view of the legal position applicable to the present case, in case of conviction of the revisionist, he can be sentenced for more than three years except life or death. In case, the revisionist is released on ball, there is a strong possibility of his being in danger morally, physically or psychologically and he may again get (sic) involved in criminal activities. In the matter of bail of juvenile, the Court has to see literally through a prism having three angles, i.e. firstly, the angle of welfare and betterment of the child itself, secondly, the demands of justice to the victim and her family and thirdly, the concerns of society at large. Under the facts and circumstances of the case, in case revisionist is released on bail, then his release would defeat the ends of justice. Further, it is a double murder case and Rs. 27,500/ (rupees twenty seven thousand five hundred) has also been recovered from the possession of the revisionist at the time of his arrest. Weapon of assault Basuli has also been recovered on the pointing out of the revisionist.

9. In view of the above, the findings recorded by the learned Courts below are not erroneous and cannot be said to be unsustainable. The aforesaid impugned orders are not liable to be interfered with, which are wholly impeccable."

4. It is to be noted here that in the present case, the Appellant was declared a juvenile by the Juvenile Justice Board, Agra *(hereinafter,* ***'JJB'****)*, vide order dated 23.06.2023. Relevant portion of the order reads as follows –

"After the above investigation, it is found that the child has passed class 10. According to the educational records filed by his guardian, his date of birth is recorded as 12.07.2005. The child has passed high school in the year 2021 from Shrimati Shanti Devi Inter College Gangaura Fatehabad Agra. The date of birth of the child is recorded as 12.07.2005 in the forms of the said school. The date of birth of the child is recorded as 12.07.2005 in the tabulation

register of the high school. The date of birth of the child is also recorded as 12.07.2005 in the TC issued by the former school Hazari Lai Parashar Memorial Junior High School Pinahat Agra.

Thus, on the basis of whatever forms have been filed by the juvenile and other forms available on the file, the date of birth of the applicant/juvenile is proved to be 12.07.2005. The date of incident in the case is 02.07.2022. ***Thus, on the date of the incident, the age of the juvenile is found to be 16 years 11 months 21 days, which is less than 18 years. Accordingly, accepting the application, the juvenile is eligible to be declared a juvenile delinquent who violated the law on the date of the incident.***

Order

In the present case, the child is declared a juvenile delinquent in violation of law on the date of the incident.

A copy of the order should be sent to Superintendent, Government Communication Home, Juvenile Agra / Superintendent, District Jail, Agra."

5. Thereafter, the Appellant, through his father, filed a bail application before the JJB and sought release which was refused *vide* order dated 04.07.2023 with following observations –

"The applicant juvenile has been declared a juvenile delinquent on 23.06.2023.

According to Section 12 of the Juvenile Justice (Care and Protection of Children) Act 2015, before releasing any juvenile on bail, it has to be seen whether he is likely to associate with any known criminal or face any moral, physical or psychological danger by releasing him on bail or whether releasing that person would defeat the purpose of justice. The report of the District Probation Officer is attached in the case.

In the present case, from the observation of the District Probation Officer's report and the documents, it is clear that the juvenile needs moral, social and practical knowledge. ***From the observation of the available documents, it is clear that if the juvenile is released on bail, he will come into the company of a known criminal and this will put him in moral, physical and psychological danger, due to which the purpose of justice will fail. Therefore, keeping in view all the facts and circumstances of the case, the application for bail deserves to be cancelled."***

6. Aggrieved by the refusal of bail, the Appellant preferred an appeal before the Special Additional Sessions Judge, Agra *(hereinafter,* ***'the Appellate Court'****)*, which was dismissed vide order dated 01.02.2024. The Appellate Court took into account the nature of the offence and the manner of commission of the offence and observed that it was *"extremely disgusting, heinous and gruesome."* It further held that enlarging the Appellant on bail would defeat the objectives of the Juvenile Justice (Care and Protection of Children) Act, 2015 *(hereinafter,* ***'JJ Act'****)*, as it would expose him to the company of criminal persons. The Appellant then preferred a Criminal Revision before the High Court, which came to be dismissed by the impugned order.

7. Having regard to the fact that the Appellant was declared as a juvenile, the question that arises for consideration is the extent to which the observations made by the Trial Court, Appellate Court and

the High Court, while rejecting his bail application, can be sustained. To our utter dismay, when the matter first came up for consideration on 15.10.2025, a bare perusal of the record revealed that, despite being declared a juvenile, the Appellant had remained lodged in a regular jail for more than two and a half years. As such, while issuing notice, this Court also called upon the State to furnish an explanation in this regard. Thereafter, in the order dated 28.11.2025 of the present proceedings, after perusal of the affidavit filed by the State, the explanation offered was found to be far from satisfactory. This Court thought it appropriate to grant one more opportunity to the State to clarify why after declaring the Appellant as juvenile, he was still kept in a regular jail. On the same date, this Court directed to release the Appellant on bail.

8. *Apropos* the previous orders, on the next date i.e., 15.12.2025, explanation and the report of Presiding Officer of the JJB through Registrar General of the High Court *(hereinafter,* ***'Registrar General'****)* was received. On the said date, this Court observed as thus:

> *"1. In furtherance to the previous orders, response has been received from the Registrar of the High Court of Judicature at Allahabad along with the report of the present Member, Juvenile Justice Board (JJB). The communication received from the Central Jail, Agra is attached indicating the fact*

that on the date of entry in the jail, the age of the delinquent was 21 years. It is informed that the order passed by JJB was communicated to the Superintendent of Central Jail for taking further action. On the other side, the State authorities have informed that the order was not received by them and prayer for shifting was not made by the accused, therefore, he continued in the Central Jail.

2. Since the issue involved in the present case is that the person who has been declared as juvenile by the JJB, how can he be allowed to be kept into the regular custody. From the explanation filed by the State as well as the Member, JJB, it is not clearly clarified indicating that who is at fault. Therefore, fresh explanation is required from the Member, JJB, it includes the Member who was holding the position on the date of declaration. ***In the said explanation, it be specified how and in what manner the order declaring him juvenile was communicated to the authorities.***

3. The authorities are required to explain that after receiving the order, what action they have taken for transferring such person into observation home.

4. Let a fresh explanation be submitted by the Members, JJB and the State authorities clarifying the aforesaid position. ***The Registrar General of the High Court and the State authorities are at liberty to specify that what procedure are being observed in the State of Uttar Pradesh to transfer a delinquent after declaring him as juvenile in the matter of shifting him from the jail to observation home or vice-versa.***

5. List on 30.01.2026."

9. *Vide* order dated 30.01.2026, this Court directed to join the Registrar General as party to the proceedings and issued notice through e-mail. The report of the Registrar General, as received *apropos* the previous order, was directed to be supplied to learned counsels for both the parties for better assistance. On the next date

i.e., 27.02.2026, the Report of the Registrar General was perused, which, *inter-alia*, contended that the requisite rule-making power in the matter of transfer of an offender from regular jail to observation home after being declared juvenile, is vested in the State Government as per Section 10(2) of the JJ Act. Upon perusal, we were of the view that the report of the Registrar General was based on improper understanding of law. Therefore, on 27.02.2026, following directions were issued -

> *"1) Mr. Ravi Raghnath, learned counsel, appears on behalf of the Registrar General of the High Court of Judicature at Allahabad.*
>
> *2) Mr. Pradeep Misra, learned counsel, appears for the State of Uttar Pradesh.*
>
> *3) It is a matter in which despite declaration of petitioner as juvenile by the Juvenile Justice Board (JJB) vide order dated 23.06.2023, he was kept into regular jail and pretext of non-communication has been put forth. However, vide order dated 28.11.2025, this Court directed to release the petitioner on bail.*
>
> *4) It is a matter of concern that for more than 2 years and 5 months, as a juvenile was kept in regular jail until directed to be released by this Court.*
>
> *5)* ***The response received from the Registrar General referring to Section 10(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, is based on complete non application of mind.*** *Therefore, in such compelling situation, we have joined the High Court through Registrar General as a party in this case.*
>
> *6)* ***Today, except tendering an apology, nothing has been brought on record to understand as to what steps have been taken by the High Court to strengthen***

the system in the matter of communication of orders passed by the JJB consisting of one judicial officer. *Procedure in vogue has not been brought on record, indicating the manner how communication of the orders is to be made with the jail authorities.* ***Simultaneously, it is also unfortunate to say that in an inquiry regarding juvenility of a person who is in conflict with law is pending in JJB, the officers of the JJB/ police attending the proceedings are so insensitive to not indicate why he could not enquire about the order of a competent Court regarding a juvenile and are filing response of not receiving the order from the Court.***

7) It is also a matter of concern for this Court that how and in what manner, the order of rejection of bail has been passed, including by the High Court.

8) ***In any case, we deem it appropriate to offer an opportunity in the matter to the stakeholders. They can do the needful within three weeks.***

9) In the absence of placing of relevant material by the stakeholders, appropriate orders including payment of compensation may be directed.

10) This order be placed before Hon'ble the Chief Justice of the High Court, Chief Secretary of the State, Law Secretary of the State and the Director General (Prisons) of the State of Uttar Pradesh.

11) List on 23rd March, 2026."

10. When the matter was listed on 23.03.2026, the Registrar General produced a Standard Operating Procedure *(hereinafter,* ***'SOP'****)* addressing the issue of transfer of declared juveniles from regular jails to observation homes, which was taken on record. Thereafter, we sought response from the State as to how far they are in a position to accept the terms of SOP and if they wish to suggest

some additional measures, needful may be done. Present is a case where a juvenile has been wrongfully put in regular jail meant for adult prisoners, even after declaring him juvenile, because of lack of communication, insensitivity and inhumane approach on the part of the officials. In this light, and being guided by the mandate of Article 21 of the Constitution of India, we also sought response from the State *vis-a-vis* compensation in lieu of the Constitutional Tort committed against the Appellant. On this, it was submitted that State is ready to pay a compensation of Rs.5 lakhs to the Appellant.

11. The learned counsel for the State has today submitted before us that the compensation amount has been deposited in accordance with the previous order in the bank account and an affidavit has also been filed in this regard. Learned counsel representing the State further submitted that they are in agreement with the SOP prepared by the High Court and they shall vigorously follow such SOP in future while dealing with the situation like the one in the present case in the matter of juvenile. We take the said statement on record and acknowledge the steps taken after the orders passed by this Court.

12. Reverting to the impugned order, as well as the order of the Trial Court and the Appellate Court, we find that the bail of the Appellant

was primarily refused by the Trial Court and the Appellate Court on the ground that he requires moral, social and practical counselling as indicated by District Probation Officer *(hereinafter,* ***'DPO'****) vide* his report dated 28.06.2023. Moreover, the nature of the offence also weighed in the mind of the Courts. Nonetheless, we are constrained to observe that both the Courts failed to take note of the material fact that, despite having been declared a juvenile, the Appellant was lodged in a regular jail. This is particularly disquieting as the report of the DPO does not indicate that his trial ought to be conducted as that of an adult. Such an approach indicates a lack of sensitivity and want of awareness on the part of the stakeholders.

13. Insofar as the impugned order passed by the High Court is concerned, it appears that the learned Judge was swayed by the fact that the age of the Appellant is above 16 years and below 18 years and the offence is of heinous nature. Moreover, his trial is going on as an adult wherein he can be sentenced for more than 3 years except life or death. In this context, High Court observed that if the Appellant is released on bail, he can again get involved in criminal activities.

14. It is to be noted that much like the Trial Court and Appellate Court, the High Court also failed to take note of the fact that the

Appellant was lodged in a regular jail. Moreover, we are also of the view that the observation that the Appellant's trial is going on as an adult since his age is above 16 years and below 18 years is incorrect on the face of it, as discussed in succeeding paragraphs.

15. Law relating to trial of a juvenile as an adult is governed by Section 15, 18 and 19 of the JJ Act. Relevant portions of the said provisions are reproduced for ready reference as thus–

> *"**15. Preliminary assessment into heinous offences by Board.—(1) In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (3) of section 18:***
>
> *Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.*
>
> *Explanation.—For the purposes of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.*
>
> *(2) .....*
>
> **** *** ****
>
> ***18. Orders regarding child found to be in conflict with law.— (1) .....***
>
> *(2) .....*
>
> *(3) Where the Board after preliminary assessment under section 15 pass an order that there is a need for trial of the*

said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

*** *** ***

19. Powers of Children's Court.—*(1) After the receipt of preliminary assessment from the Board under section 15, the Children's Court may decide that –*

(i) there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere;

(ii) there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.

(2) The Children's Court shall ensure that the final order, with regard to a child in conflict with law, shall include an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker.

(3) The Children's Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail:

Provided that the reformative services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric support shall be provided to the child during the period of his stay in the place of safety.

(4) The Children's Court shall ensure that there is a periodic follow up report every year by the probation officer or the District Child Protection Unit or a social worker, as required, to evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form.

(5) The reports under sub-section (4) shall be forwarded to the Children's Court for record and follow up, as may be required.

16. As evinced from the statutory scheme, where a child above 16 years but below 18 years is alleged to have committed a heinous offence, the determination of whether such child is to be tried as an adult is two-tiered. *First*, the JJB is mandated under Section 15(1) to conduct a preliminary assessment, which is not a trial but a capacity centered inquiry, focusing on the child's mental and physical ability to commit the offence, the extent of understanding of its consequences, and the other circumstances relating to its commission. For this purpose, the JJB may seek assistance from psychologists or other experts. After such assessment, if the JJB is of the opinion that the matter is of such nature that warrants trial as an adult, it may pass an order under Section 18(3) transferring the case to the Children's Court. *Second*, the Children's Court, after receiving the preliminary assessment from the JJB, independently evaluates the case under Section 19 and may either affirm the need for trial of the child as an adult in accordance with the Code of Criminal Procedure, or, if it finds otherwise, proceed to conduct an inquiry as a JJB and pass appropriate rehabilitative orders under Section 18.

17. For the purpose of examining the justifiability of the orders passed by the Trial Court, the Appellate Court, and the High Court in relation to the grant of bail to the juvenile, at the outset, it is necessary to consider the report of the DPO dated 27.06.2023. A perusal of the said report, which comprises 49 columns, reveals that none of the columns contain any adverse remark qua the Appellant. The report indicates that the Appellant was not involved in any drug trafficking, gambling, or similar activities. He was found to be religious in nature, inclined towards reading, and maintaining friendships with people of similar age. His behavior was reported to be normal, and there was no indication of parental or familial neglect. The relevant portion of the report is reproduced as thus –

> ***"RESULT OF INVESTIGATION***
>
> *1. Emotional Reasons: None at present*
>
> *2. Physical Condition: Normal*
>
> *3. Intelligence: Normal as per statement*
>
> *4. Social and Economic Reasons:*
>
> ** Social Status: General*
>
> ** Economic Condition: Poor*
>
> *5. Suggested Causes of Problems: Lack of positive atmosphere in the family*
>
> *6. Analysis of Factors Contributing to the Causes of Crime: Being an adolescent*
>
> *7. Opinion of the Experts Consulted: Positive improvement of the adolescent is possible in a reformative family environment*

8. Recommendation Regarding Rehabilitation by Probation Officer / Child Protection / Welfare Officer / Social Worker: Mixed information has been received from the neighbourhood regarding the above juvenile. The juvenile has been accused of heinous crimes like robbery and murder. Sir, providing the juvenile with a positive family environment proper counselling on a fortnightly basis can improve the juvenile's understanding and behaviour."

18. In such circumstances, the conclusion drawn in the report does not justify the continued detention of the Child in Conflict with Law *(hereinafter,* ***'CCL').*** In fact, the DPO observed that if the juvenile was kept in a positive family environment with proper and periodic counselling, it would improve his understanding and behavior. Despite this, the JJB refused bail on the apprehension that the Appellant may come into the company of known criminals and can be exposed to moral, physical, or psychological danger. We find ourselves unable to accept such reasoning, particularly in light of the DPO's report, which does not warrant such a conclusion.

19. In the Appeal, the Appellate Court, merely relied upon the nature of the offence, describing it as *'extremely disgusting, heinous and gruesome.'* Nonetheless, such an observation was germane only if such conclusion was arrived at by the JJB at the stage of preliminary assessment under Section 15 of the JJ Act, prior to passing an order under Section 18(3). In our considered view, the Appellate Court has thus failed to take into account the intent and

object of the provisions of the JJ Act. It is undisputed that the Appellant was between 16 and 18 years of age and had been declared a juvenile, albeit, in connection with a heinous offence. Moreover, there was no observation by the JJB or in the report of the DPO to the effect that Appellant's trial be done as an adult. Once so declared, he was required to be treated strictly as a CCL. Thereafter, it was incumbent upon the JJB and the Courts to proceed in accordance with the statutory framework either by releasing him on bail or probation of good conduct, handing him over to the care of his parents or guardians, placing him under the supervision of a fit facility, or, where necessary, sending him to a special home or place of safety with appropriate reformative measures such as counselling, behavioural therapy, and psychological support. Only in a situation where the CCL's conduct is such that it would not be in his interest or that of other children, could the JJB consider sending him to other place of safety. The discretion vested under Section 18(2) is to be exercised in furtherance of reformative and rehabilitative objectives. Further, where, upon preliminary assessment under Section 15, it is found that the child ought to be tried as an adult, the matter is to be transferred to the Children's Court in accordance with Section 18(3).

In absence thereof, the ordinary statutory framework applicable to juveniles must prevail.

20. In a case where the JJB has declined to declare the child as a juvenile and the matter thereafter comes before the Children's Court under Section 18 read with Section 19 of the JJ Act, the said Court is first required to determine on its own whether the child should be tried as an adult. Such determination must be made while keeping in mind the mandate of Section 21 i.e., what orders may not be passed if the juvenile is declared CCL. It should be done while acknowledging the child's special needs, the principles of fair trial, and the requirement of maintaining a child-friendly atmosphere. In case the Court finds that trial of the juvenile as an adult is not required, it is open to the Children's Court to conduct an inquiry as a Board and pass appropriate orders in terms of Section 18. The scheme of the JJ Act, thus, envisages a comprehensive and robust procedure to ensure that the rights of the child are not thwarted at any stage.

21. On perusal of the record of the present case, we do not find any order of the JJB or any designated Children's Court to the effect that there was a need for trial of the Appellant as an adult. In absence

thereof, we are of the firm view that the observations as made by the High Court is wholly unwarranted and cannot be countenanced with the spirit and object of the JJ Act. Once the Appellant stood declared a juvenile, the course adopted by the High Court is based on surmises and conjectures, which cannot be sustained in law. In this view of the matter, we set aside the order of the High Court also.

22. Before parting, we would like to observe that cases like the present one reflect a serious and systemic lack of coordination and sensitivity amongst all the stakeholders entrusted with the administration of juvenile justice framework. The statutory mandate of the JJ Act is not merely procedural but also advances the guarantee under Article 21 of the Constitution of India, as expressed in its clause of object and reasons. Therefore, prompt and humane treatment of CCL is required to be undertaken in light of the objectives of the act. As such, any lapse in ensuring immediate transfer of a declared juvenile to an observation home from regular jail not only defeats the object of the legislation but also results in a serious infraction of the Juvenile's right to life. Therefore, we impress upon all the concerned authorities and the stakeholders to institutionalize robust mechanisms so that such instances do not recur in future.

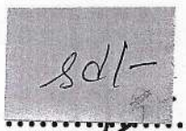
23. This Court sincerely hopes that the concerned learned Judge of the High Court as well as the Judicial Officers presiding the JJB will exercise extreme care in future while dealing with the matters of juveniles. For purpose of ensuring this, let this order be placed before Hon'ble the Chief Justice of the High Court, and upon approval, be further communicated to the concerned Judge and the Judicial Officers through the Registrar General.

24. Having regard to the seriousness of the issue involved, we deem it appropriate to direct the Registry of this Court that a copy of this order, along with the SOP prepared by the High Court of Judicature at Allahabad, be forwarded to the Chief Justices of all the High Courts for their kind perusal and appropriate action. The Chief Justices of all the High Courts may examine the same and, if no such mechanism has already been implemented in their respective jurisdictions, take suitable measures to ensure effective implementation of the statutory mandate under the JJ Act, particularly with regard to prompt communication of orders declaring a person as juvenile and immediate transfer of juveniles lodged in regular jail to observation homes upon such declaration.

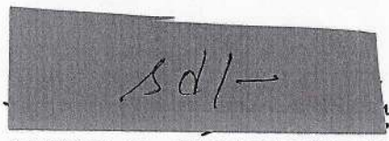
25. Being cognizant of the fact that the implementation of such SOPs ultimately rests with the concerned State Governments, it is also directed that a copy of this order along with the SOP be also transmitted to the Chief Secretaries of all the States and Union Territories of India for appropriate action.

26. The Registry shall also circulate a copy of this order to the Directors of all Judicial Academies across the country, for purpose of sensitizing and apprising the judicial officers in this regard.

27. With the aforesaid observations, Criminal Appeal is allowed. Pending application(s), if any, shall stand disposed of.



.....J.
(J.K. MAHESHWARI)



.....J.
(ATUL S. CHANDURKAR)

New Delhi;
April 06, 2026.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL) NO. 16883 OF 2025

IN THE MATTER OF :

	BEFORE THE HIGH COURT	BEFORE THIS HON'BLE COURT
JUVENILE DELINQUENT S/o Sunil Singh R/o Naya Bans, Viprawali, Police Station- Pinahat, District- Agra, Through Natural Guardian/ Father Shri Sunil Singh Resident as above	**Revisionist**	**Petitioner**

VERSUS

1. STATE OF U.P. Through Principal Secretary (Home), Government of U.P., Secretariat, Lucknow	**Respondent**	**Respondent No.1**
2. MUKESH GUPTA S/o Suresh Chandra Gupta, R/o Balkeshwar, 1A Shiv Residency, Police Station- Pinahat, District- Agra, Uttar Pradesh	**Complainant**	**Respondent No.2**

3. The High Court of Judicature At Allahabad Through Registrar General

The High Court of Judicature at Allahabad Through R.G joined as Party 3 vide order dt- 30.1.26.

Sd/-

ASSIST. REGISTRAR

ANNEXURE - R/5

Standard Operating Procedure (SOP) for Communication and Compliance of Orders Passed by Juvenile Justice Boards

In order to ensure effective implementation of the provisions of the **Juvenile Justice (Care and Protection of Children) Act, 2015**, particularly in matters relating to declaration of juvenility, grant or refusal of bail to a child in conflict with law, and transfer to Observation Homes or Places of Safety, it has been considered necessary to streamline the procedure for **prompt communication and execution of orders passed by the Juvenile Justice Boards.**

Instances have been noticed where delays in communication of orders passed by the Boards have resulted in unnecessary detention of children in conflict with law in jails or delay in their transfer to appropriate institutions. To address these issues and to ensure strict compliance with statutory provisions, the following **Standard Operating Procedure (SOP)** is issued.

(1) Applicability

This SOP shall apply to:

i. All Juvenile Justice Boards in Uttar Pradesh
ii. Superintendents of District Jails
iii. Superintendents/Officials of Observation Homes / Places of Safety
iv. District Probation Officers
v. All other competent authority responsible for implementing orders passed by the Boards

(2) Communication of Orders

The **Juvenile Justice Board** shall ensure that every order passed in the following circumstances is forthwith communicated on the same day to the concerned authorities (Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA) :

(i) Orders Declaring a Person as Juvenile

Every order declaring a person as a **juvenile / child in conflict with law** shall immediately be communicated to:

(a) Superintendent of the concerned District Jail (if the juvenile is in the jail)
(b) Superintendent of the Observation Home / Place of Safety
(c) District Probation Officer
(d) All competent authority in the district
(e) Juvenile and his/her family members or guardian

Communication shall be made through:

(a) Official E-mail to the official E-mail ID of the concerned authority.
(b) Speed Post / Registered Post
(c) Special messenger/ Process Server

(ii) Orders Granting Bail

Whenever bail is granted under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the order shall be immediately communicated to:

(a) Superintendent of the District Jail
(b) Superintendent of Observation Home
(c) District Probation Officer
(d) All other Competent Authority
(e) Juvenile and his/her family members or guardian

The communication shall be sent through :

(a) E-mail on the same day, followed by dispatch through Registered Post/Speed Post.
(b) Special Messenger/Process Server

(iii) Orders Refusing Bail

Whenever bail is refused under **Section 12(1)** of the Act, the Board shall ensure strict compliance with **Section 12(3) of the Act,** which mandates that the child shall be **sent to an Observation Home or Place of Safety.**

Accordingly:

(a) The order refusing bail shall **specifically contain a direction for transfer of the child from jail to an Observation Home or Place of Safety.**
(b) **The direction** for such transfer shall form **an integral part of the order** passed by the Board.
(c) The order shall immediately be communicated to the **Superintendent of the Jail** and **Superintendent of the Observation Home / Place of Safety to ensure prompt transfer.**

(iv) Remand Orders in respect to Child in Conflict with Law

(A) In every instance where an alleged **Child in Conflict with Law (CiCL)** is produced before the **Juvenile Justice Board (JJB)** or the competent Court or an application for first remand is preferred by the Police/Investigating Agency and thereafter in subsequent remand orders, the

Board shall, while adjudicating upon such remand application, explicitly record in such judicial order:

a) Place from where the CiCL is produced: The specific location or facility (e.g., police station Observation Home, Place of Safety, or Jail) from where the child is produced; and

b) The Destination of Remand: The specific institution or facility(e.g., Observation Home, Place of Safety, or Jail) where the child is being remanded to serve the period of custody as per the directions of the Board/Court.

(B) To ensure strict compliance with the procedural safeguards under the Juvenile Justice (Care and Protection of Children) Act, all Principal Magistrates and Members of the Juvenile Justice Board are hereby directed to adhere to the following guidelines pertaining to recording of age of CiCL in the remand orders :-

a) At the Stage of first remand: The concerned Magistrate/Court, at the stage of first remand, upon perusal of the age-related documents or other material available on record and where it appears that the person produced before it may be a Child in Conflict with Law, shall record a brief prima facie observation regarding the apparent age of such person in the remand order and shall thereafter proceed in accordance with the applicable provisions of law.

b) Pending Age Determination Inquiry: In cases where the statutory inquiry into the age of the CICL is pending at the time of consideration of the remand application, the Board shall **mandatorily record the age as claimed** by the child and mentioned in the prosecution document in the remand order. Such recording shall be provisional and subject to the final outcome of the age determination inquiry.

c) Concluded Age Determination Inquiry: In cases where the age determination inquiry has been concluded, the age **as determined and adjudicated** by the Board/Court shall be specifically mentioned in the remand order.

(3) Mandatory Communication Protocol

All Juvenile Justice Boards, with regard to the orders in the following matters :

a) Age determination
b) Bail orders (involving grant or denial of bail)
c) Remand orders

shall mandatorily communicate to all concerned in the following manner :-

(i) Digitally communicated through official E-mail immediately upon pronouncement to the official E-mail ID of the concerned authority(Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA) .

(ii) Dispatched through Speed Post / Registered Post on the same day or the next working day.

(iii) Dispatched through Special Messenger or Process Server.

(iv) Communicated to :

(a) Superintendent of Jail (if applicable)
(b) Superintendent of Observation Home / Place of Safety
(c) District Probation Officer
(d) All Competent Authority
(e) Juvenile and his/her family members or guardian

(4) Acknowledgement of Receipt

To ensure accountability and effective monitoring:

(i) The receiving authority (Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA) shall **issue a written acknowledgement of receipt** of the order passed by the JJB.

(ii) Such acknowledgement shall be sent :
(a) By E-mail **within 24 hours** and
(b) By official letter thereafter.

(iii) The acknowledgement shall confirm :
(a) Receipt of the order
(b) Steps taken for compliance (release / transfer / production etc. as may be required)

(5) Compliance Reporting

(i) The receiving authority(Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA) shall submit a **compliance report to the Juvenile Justice Board within 48 hours** of receipt of the order passed by the JJB.

(ii) The compliance report shall include:

(a) Date and time of receipt of the order
(b) Date and time of release or transfer of the juvenile
(c) Institution to which the juvenile has been transferred (if applicable)

(6) Record Maintenance

In every district, Juvenile Justice Board, Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA shall maintain a Communication and Compliance Register / Digital Record containing:

(a) Date of order
(b) Nature of order
(c) Date and time of e-mail dispatch
(d) Postal dispatch details
(e) Acknowledgement received
(f) Compliance status

In the Observation homes and JJ Boards across the state, it shall be mandatory to make a chart showing the following details :

a) Date of Admission: The specific date the juvenile was admitted to the Observation home.
b) Date of order by which juvenility was decided.
c) Age determined by the JJ Board.
d) Status and date of order of Bail
e) Date of release
f) Place where the Child is currently residing

(7) Monitoring Mechanism

(i) The **District Judge and District Magistrate** shall periodically review compliance with this SOP.

(ii) The **District Probation Officer** shall assist in monitoring implementation.

(iii) Any instance of non-compliance or delay shall be **reported to District Judge and to the Hon'ble High Court, if required.**

(iv) The Juvenile Justice Board shall conduct a **Weekly Review Meeting regarding all the** orders passed and the meeting will focus on the status of compliances and address any delays in the execution of transfers or releases.

(8) Legal Aid Integration

A copy of the order(s) passed by the Juvenile Justice Board may also be sent to the State or District Legal Services Authorities (subject to privacy and confidentiality constraints) for assisting the Juvenile / his family members for effective implementation of the order(s).

9. Coordination with State Government

For effective implementation of this SOP, necessary coordination may be undertaken with the **Government of Uttar Pradesh,** including:

(a) Ensuring functional official E-mail systems
(b) Availability of transport for transfer of juveniles
(c) Institutional coordination between Jails and Observation Homes.