

Present: Ms. Manjinder Kaur, Special PP for State
Juvenile 'X' child in conflict with law (CICL)
in custody (produced), represented by Sh. JPS Singh, Advocate.

That present trial has been received from the court of Dr. Jublee, learned Principal Magistrate, Juvenile Justice Board (PMJJB), Ludhiana and vide order dated 19.12.2025, PMJJB, has passed the orders that the juvenile 'X' is required to be treated as an adult. The present file has been received by way of entrustment.

1. That before proceedings further in the present matter and in compliance of provisions of Section 19 of the Act, there is a need to conduct an inquiry to ascertain whether the juvenile 'X' is treated as an adult.

Section 19: Powers of Children's Court: After the receipt of preliminary assessment from the Board, the Children's Court may decide that:

(i). there is need for the 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. That so far as the contention raised by the counsel representing the Juvenile 'X' child in conflict with law (CICL) address the arguments to the effect that in the present matter there is no need in the present matter to conduct the trial of Juvenile 'X' child in conflict with law (CICL) as an adult. That as per notification a Child Welfare Police Officer is to be appointed and then the preliminary assessment report is to be considered by the Court whereas in the present matter, strict compliance of the same has not been made. So, in the present matter Juvenile 'X' child in conflict with law (CICL) cannot be tried as an adult.

3. The learned Public Prosecutor has stated that the compliance has been duly made by the JJ Board while passing the order so the present Juvenile 'X' child in conflict with law (CICL) should be tried as an adult.

4. That I have considered the rival contentions raised by both the

parties.

5. That as per report which is to be submitted by the Child Welfare Officer regarding social background of the Juvenile 'X' child in conflict with law (CICL), ASI Radhey Sham who has proclaimed himself to be as Child Welfare Police Officer, but when this fact was confirmed from ASI Radhey Sham himself that whether there is any kind of notification has been made whereby he has been appointed as Child Welfare Police Officer, he himself has denied the said fact. That there is no such notification has been made whereby he has been appointed as Child Welfare Police officer at P.S. Meharban. So, when there is no such notification has been passed for the appointment of Radhey Sham as Child Welfare Police Officer, so social background report cannot be considered for the said purpose.

6. That even the preliminary assessment report and proforma filled by the PMJJB, the same is in casual form and even some of the columns are filled in stereo type form. Thus, considering the fact that order dated 19.12.2025 has been passed by PMJJB without calling the report from Child Welfare Police Officer, who has been duly appointed and even the preliminary assessment report has not been prepared properly. So, the order passed by PMJJB of 19.12.2025 whereby the Juvenile 'X' child in conflict with law (CICL) is to be tried as an adult, is hereby set aside and the file is remanded back to the Court of PMJJB to pass afresh order by calling the report from the Child Welfare Police Officer of concerned police station. Ahlmad of this Court is directed to send the file complete in all respect to PMJJB for 03.04.2026 and Juvenile 'X' child in conflict with law (CICL) is directed to produce before the court of PMJJB on the date fixed.

Pronounced in open Court.

Sd/-

Dated: 24.03.2026

**(Barjinder Pal Singh)
Additional Sessions Judge/FTSC,
under POCSO Act / Ludhiana.
UID No. PB-0185**

Gurmeet Singh, Stg.-II