

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Rev. No. 421 of 2024

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

05/02nd July 2024

1. Learned counsel for the petitioner Mr. Shailesh Kumar Singh, and learned counsel for the Opposite Party, are present.
2. Learned counsel for the petitioner submits that once there is an assessment by psychological /medical examination regarding his maturity of a child between 16 to 18 years , a specific order is required to be passed by Children's Court in terms of Section 19 in order to try the child as an adult. In absence of such an order, the Children's Court cannot proceed further to tried the child as an adult. He submits that this aspect of the matter is required to be taken care of in this proceeding otherwise there will be miscarriage of justice, so far as the trial is concerned. He has relied upon the judgment passed by the Hon'ble Supreme Court in *2023 LiveLaw SC 857* reported in *Ajeet Gurjar vs. The State of Madhya Pradesh*.
3. The learned counsel for the State is also directed to seek instructions and file counter affidavit in this case along with the medical assessment / psychological assessment of the child.
4. Call for the records from the Court of learned Special Judge, Children Court, Dhanbad arising out of G.R. No.- 2705 / 2022 Barwadda P.S. Case No. 131 of 2018 which in turn is arising out of the record transmitted by the Juvenile Justice Board, Dhanbad.
5. Office is also directed to call for the records which might be available with the Juvenile Justice Board in connection with the aforesaid case.
6. Post this case on 01st August 2024 under the heading for 'Final Disposal'.

7. Let this order be communicated to the Court concerned as well as to the concerned Juvenile Justice Board through 'FAX/e-mail'.

(Anubha Rawat Choudhary, J.)

Aditi