



CRIMINAL

Allahabad High Court Sets Aside Order for Juvenile to Be Tried as Adult

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In a landmark decision delivered on 10 October 2025, the Allahabad High Court struck down orders passed by a Juvenile Justice Board (JJB) and a Children's Court that had directed a juvenile (aged between 16 and 18 years) to be tried as an adult. The High Court remanded the matter back to the JJB with detailed guidelines for conducting a preliminary assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Table of contents

- [Factual Background](#)
- [Arguments Advanced](#)
- [For the juvenile \(revisionist\):](#)
- [For the State:](#)
- [High Court's Analysis & Legal Observations](#)
- [Vagueness in Section 15](#)
- [Role of Experts & Mandatory Assistance](#)
- [Deficiencies in the Assessment in This Case](#)
- [Directions & Guidelines Issued](#)
- [Broader Implications & Observations](#)

Factual Background

- In the case before the Court, the juvenile (referred to as "revisionist" in the order) was determined by the JJB to be 17 years, 6 months, 27 days old.
- The Board conducted a preliminary assessment, posing only seven questions to the juvenile, and took into account a report from the District Probation Officer (DPO). Based on this, the Board found that he had "sufficient maturity" and could understand the consequences of the acts alleged and accordingly ordered his trial as an adult.
- On appeal, the Children's Court upheld that decision, and the juvenile sought revision in the High Court challenging that both the JJB and Children's Court had erred in their approach.

Arguments Advanced

For the juvenile (revisionist):

- The preliminary assessment under Section 15 was not carried out in the manner mandated by the law.
- The involvement of a psychologist had been treated as mere formality; there was no meaningful record of what tests were used, how they were interpreted, or how the juvenile's mental capacity was examined.
- The JJB and the appellate court ignored or downplayed expert opinions that may have been favourable to the juvenile.

For the State:

- The State contended that both the JJB and the Children's Court had acted in conformity with statute, and that the preliminary assessment was properly done.

High Court's Analysis & Legal Observations

Vagueness in Section 15

The Court observed that Section 15(1) of the JJ Act, 2015 is vague because it does not delineate how a preliminary assessment is to be conducted. The formulation does not prescribe parameters, tests, or standards to guide psychologists, the board, or courts.

Relying on the Supreme Court's decision in *Barun Chandra Thakur vs Master Bholu* (2022), the High Court emphasized that the preliminary assessment is a delicate, individualized task that cannot be reduced to a routine exercise. The child's physical maturation, cognitive abilities, emotional competence, and social factors must be carefully examined.

The Court reiterated the principle that maturity and capacity evolve, and children are more susceptible to impulsivity and external influences.

Role of Experts & Mandatory Assistance

Though the statute says the Board *may* take assistance of psychologists or psychosocial workers, the High Court held that in practice this should be mandatory, unless the Board itself includes a qualified child psychologist or psychiatrist. If the Board chooses not to use the assistance, it must record specific reasons.

Deficiencies in the Assessment in This Case

The Court found several flaws:

- The psychologist's report did not clearly state the tests used or indicate the child's IQ (Intelligence Quotient) or EQ (Emotional Quotient).
- The JJB and appellate court had not grappled with the veracity of the expert report or explained their reasons for discounting portions of it.
- The mere fact that the juvenile had prior implications in other offences was treated as sufficient ground to deem him adult-like, which is impermissible.
- The Board and Court failed to rely on or even refer to social investigation reports, background, schooling, community influences, or other relevant contextual data.

Given these defects, the High Court held that the orders are not in accordance with law and must be set aside.

Directions & Guidelines Issued

Until the legislature or higher authority frames detailed rules, the High Court laid down the following binding guidelines for Juvenile Justice Boards and Children's Courts in conducting the preliminary assessment of juveniles accused of heinous offences:

1. Psychological Testing:

- The Board must obtain a psychologist's report specifying which tests were used (e.g., Binet-Kamat Test, Vineland Social Maturity Scale, or other recognized instruments).
- The report should clearly record the juvenile's IQ and EQ and explain how the tests lead to inferences about his capacity.
- The psychologist must explain whether, and to what extent, the juvenile is physically and mentally capable of committing the alleged heinous offence.
- Findings on the juvenile's ability to understand consequences must be explicit and reasoned.

2. Social Investigation Report (SIR):

- The Board must direct the Probation Officer (or, in absence, a Child Welfare Officer or social worker) to submit a Social Investigation Report within 15 days from the child's first production before the Board.
- The Child Welfare Police Officer must also submit a Social Background Report (antecedents, family environment, peer influence, schooling, etc.) within two weeks, to assist the Board.

3. Witness Statements & Documents:

- In heinous offence cases involving juveniles aged 16–18, the Child Welfare Police Officer must produce all witness statements and pertinent documents within one month of first production of the child before the Board.
- Copies of this material must also be furnished to the juvenile (or parent/guardian).

4. Prior Records & Patterns:

- The Board must furnish details of previous implications, prior periods of probation, residential or community-based treatment, or prior conduct of similar or different offences.
- Whether the juvenile has absconded earlier or repeated similar misconduct should be considered.

5. Mental Illness or Intellectual Disability:

- If the juvenile suffers from intellectual disability or mental illness, those must be considered, and their impact on decision-making assessed.

6. **Educational & Institutional Records:**

- School records, academic performance, attendance, interactions with peers or staff, and related behavioral documents should be examined.

7. **Recording of Reasons:**

- The Board (or Children's Court) must record clear, reasoned findings on each of the statutory parameters.
- The assessment should not merely rely on serious nature of the offence but must be rooted in individualized evaluation.

8. **Remand & Re-assessment:**

- Given the deficiencies in this case, both the JJB order and the Children's Court order are quashed and set aside.
- The High Court has remitted the matter back to the Juvenile Justice Board for fresh assessment in accordance with the guidelines herein.
- A copy of this order must be circulated to all JJBs and Children's Courts across the State for compliance within two weeks.

Broader Implications & Observations

- The decision reinforces that juveniles accused of heinous offences should not be summarily treated like adults; proper psychological and social assessments are indispensable.
- It underscores that the statutory "may" in Section 15's proviso must be read as mandatory in practice, to ensure protection of the child's rights.
- This ruling may prompt courts and Boards to be more rigorous in designing forms, training psychologists, and systematizing procedures for preliminary assessment.
- The decision also highlights a lacuna: the lack of central or state-level guidelines or consistent norms for how psychological assessments should be structured or standardized.

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