(2003) 05 GAU CK 0035

Gauhati High Court

Case No: Criminal Revision Petition No. 197 of 1995

Md. Somesh Ali		APPELLANT
	Vs	
State of Assam		RESPONDENT

Date of Decision: May 20, 2003

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 313
- Penal Code, 1860 (IPC) - Section 376

Citation: (2004) 1 GLR 125 : (2004) 1 GLT 673

Hon'ble Judges: I.A. Ansari, J

Bench: Single Bench

Advocate: A.S. Choudhury, for the Appellant; P. Bora, Public Prosecutor, for the Respondent

Judgement

I.A. Ansari, J.

The order under challenge in the present revision was passed on 24.3.1995 by the learned Sessions Judge, Dhubri, in Criminal Appeal No. 1(4)/94, dismissing the appeal and upholding the judgment and order, dated 17.9.1994, passed by the learned Assistant Sessions Judge, Dhubri, in Sessions Case No. 101/92, convicting the accused-petitioner u/s 376 IPC and sentencing him to undergo rigorous imprisonment for a period of three years and pay a fine of Rs. 500 and in default, to suffer rigorous imprisonment for a further period of three months.

2. The material facts, which led to the present revision, may, in brief, be stated as follows :

(i) On 29.5.1990, one Asgar Ali lodged a written complaint in the Court of learned Chief Judicial Magistrate, Dhubri, alleging, inter alia, that on 23.5.1990, at about 3 PM, his grand-daughter, Anwara @ Bewla, aged about 5 years, was taken by accused Somesh Ali (i.e., the present petitioner) to a near by jute field, where the accused committed rape on her and left her with injuries on her vagina and that

Abdul Kuddus and Hazera Khatun had seen the injuries on the private parts of the victim. This complaint was forwarded to the Officer in Charge of South Salmara Police Station for investigation, whereupon the police registered a case against the accused-petitioner u/s 376 IPC. The victim was medically examined and the doctor found lacerated injury on her fourchetti. The doctor opined that the age of the victim girl was below five years. On completion of the investigation police In id charge sheet against the accused-petitioner u/s 376 IPC.

(ii) At the trial, when the charge framed u/s 376 IPC was read over to the accused-petitioner, he pleaded not guilty thereto. In all, prosecution examined as many as 8 witnesses. The accused was, then, examined u/s 313 Cr.P.C. and in his examination aforementioned he denied that he had committed the offence alleged to have been committed by him, the case of the defence being that of total denial. No evidence was, however, adduced by the accused.

(iii) The trial concluded with the conviction of the accused-petitioner u/s 376 IPC and sentence, as indicated hereinabove, was passed against him. Feeling aggrieved, the accused-petitioner preferred Criminal Appeal No. 1(4)/94 aforementioned, but the same was also turned down. Hence, the present revision.

3. I have perused the materials on record. I have also heard Mr. A.S. Choudhury, learned senior counsel appearing on behalf of the accused-petitioner, and Mr. P. Bora, learned Public Prosecutor, Assam for the respondents.

4. It may be noted that this revision has been argued on a limited question. It has been, first, contended that the petitioner was a juvenile within the meaning of the word "juvenile" appearing in the Juvenile Justice Act, 1986, inasmuch as he was , according to the forwarding report of the police, 12 years old at the time of the occurrence and even the learned Magistrate, who released the accused-petitioner, on bail on 4.6.1990, observed in his order that the accused is a minor inasmuch as his age would not be more than 12/13 years. Despot this, it is pointed out, the trial commenced treating the accused as a major and the same was concluded also treating the accused as a major leading to the conviction of the accused-petitioner u/s 376 IPC. In the examination u/s 313 Cr.P.C. it is pointed out, the accused described his age as 19 years and even if his age is taken to be 19 years on 18.8.1994, i.e., the date, when his statement u/s 313 Cr.P.C. was recorded, it will become clear that he was less than 16 years old on 23.5.1990, i.e., on the day of the alleged occurrence.

5. Coupled with the above, a school certificate dated 31.5.1993, issued by the Headmaster of Dairy Parimaijute Paschimkhanda Primary School, district Dhubri, has, now, been produced before this Court. According to this certificate on 31.5.1992, the accused-petitioner was aged 9 years, two months and 23 days. This certificate, it is contended, if one believes, will mean that the age of the accused-petitioner was less than 16 years at the time of alleged occurrence.

6. It is also contended, on behalf of the accused-petitioner, that a careful scrutiny of the evidence on record will show that the prosecution had miserably failed to bring home the charge framed against the accused-petitioner inasmuch as the evidence given by the victim herself was materially self-contradictory, but the learned trial Court as well as the learned appellate Court did not pay adequate attention to this aspect of the matter. The findings of guilty, therefore, it is submitted, are perverse.

7. Controverting the above submissions made on behalf of the accused-petitioner, learned Public Prosecutor has contended that the evidence on record, as a whole, and of the victim, in particular, is clinching by nature and has remained unshaken in material particulars. In the face of such evidence, it is submitted, the findings of guilt reached by the learned trial Court and affirmed by the learned appellate Court are not perverse at all.

8. As regards the plea of the accused-petitioner that the materials on record show that the accused-petitioner was a juvenile at the time of occurrence, learned Public Prosecutor has candidly submitted that the materials on record do give an indication that the accused might have been a juvenile at the time of the occurrence.

9. Without entering into the merit of the rivals submissions made before me on behalf of the parties with regard to the quality of evidence on record, the most vital question, which attracts the attention of this Court is this: whether the accused-petitioner ought to have been tried as a juvenile and what this Court shall do in the context of the submissions made, on behalf of the accused-petitioner, that he was a juvenile at the time of the alleged occurrence.

10. The answer to the above question is not free from difficulties. In Umesh Chandra Vs. State of Rajasthan, while interpreting Rajasthan Children Act, the Apex Court took the view that the relevant date for applicability of the Act is the date on which the offence takes place and not the date, when the accused faces trial or the trial commences. The relevant observations of the Court may be extracted as follows :

"27. A combined reading of these two sections would clearly show that the statute takes care of contingencies where proceedings in respect of a child were pending in any court in any area on the date on which the Act came into force, Section 26 in terms lays down that the court should proceed with the case but after having found that the child has committed the offence it is debarred from passing any sentence but would forward the child to the children''s court for passing orders in accordance with the Act.

28. As regards the general applicability of the Act, we are clearly of the view that the relevant date for the applicability of the Act is the date on which the offence takes place. Children Act was enacted to protect young children from the consequences of their criminal acts on the footing that their mind at that age could not be said to be mature for imputing men rea as in the case of an adult. This being the intendment of the Act, a clear finding has to be recorded that the relevant date for applicability

of the Act is the date on which the offence takes place. It is quite possible that by the time the case come up for trial, growing in age being an involuntary factor, the child may have ceased to be a child. Therefore, Sections 3 and 26 became necessary. Both the sections clearly point in the direction of the relevant date for the applicability of the Act as the date of occurrence. We are clearly of the view that the relevant date for applicability of the Act so far as age of the accused, who claimed to be a child is concerned and not the date of the trial." (emphasis is added)

11. In the case of Pradeep Kumar, Krishan Kant and Jagdish Vs. State of U.P., the Apex Court held that when the accused is proved to be below 16 years of age at the time of commission of offence u/s 302/34 IPC, sentencing him to jail will be contrary to the provisions of the U.P. Children Act on the ground that the accused has attained the age of about 30 years in the meantime, Directions were, therefore, given in this case to release the accused and while sustaining the conviction for the charges framed against the accused, his sentence was quashed. The relevant portion of the observations made by the Apex Court may be quoted hereinbelow :

"3. It is thus proved to the satisfaction of this Court that on the date of occurrence, the appellants had not completed 16 years of age and as such they should have been dealt with under the U.P. Children Act instead of being sentenced to imprisonment on conviction u/s 302/34 of the Act.

4. Since the appellants are now aged more than 30 years, there is no question of sending him to an approved school under the U.P. Children Act for detention. Accordingly, while sustaining the conviction of the appellants under all the charges framed against them, we quash the sentences awarded to them and directed them release forthwith. The appeals are partly allowed in the above terms."

12. However, in the case of Arnit Das Vs. State of Bihar, while dealing with the Juvenile Justice Act, 1986, the Apex Court expressed the view that the age relevant for the purpose of determining whether an accused is a juvenile is the date of appearance of the accused before the competent authority or the date on which the accused is brought before such authority and not by reference to the date of commission of the offence. In other words, contrary to what was decided by the Apex Court in Umesh Chandra''s case (supra) by a three-Judge Bench, it was held in Arnit Das''s case (supra) that for the purpose of Juvenile Justice Act, the relevant date for consideration as to whether the accused is juvenile or not is not the date of the occurrence, but the date on which the accused either appears or is brought before the authority or the Magistrate for taking action under the law or for the trial. To understand this aspect of the matter, reference may be made to the observations appearing in Arnit Das (supra), which reads as follows :

"13. *****A reading of all these provisions referred to hereinabove makes it very clear that an inquiry as to the age of the juvenile has to be made only when he is brought or appears before the competent authority. A police officer or a Magistrate

who is not empowered to act or cannot act as a competent authority has to merely form an opinion guided by the apparent age of the person and in the event of forming an opinion that he is a juvenile, he has to forward him to the competent authority at the earliest subject to arrangements for keeping in custody and safety of the person having been made for the duration of time elapsing in between. The competent authority shall proceed to hold inquiry as to the age of that person for determining the same by reference to the date of the appearance of the person before it or by reference to the date when the person was brought before it under any of the provisions of the Act. It is irrelevant what the age of the person was on the date of commission of the offence. Any other interpretation would not fit in the scheme and phraseology employed by Parliament in drafting the Act.

14. The use of the word "is" at two places in Sub-section (1) of Section 32 of the Act read in conjunction with "a person brought before it" also suggests that the competent authority is required to record the finding by reference to an event in present before it, i.e., by reference, to the date when the person is brought before it and not by reference to a remote event i.e. The date on which the offence was committed.

15. *********

16. *******

17. During the course of hearing the Court posed a question to Shri U.R. Lalit, the learned senior counsel for the appellant - what happens if a boy or a girl of just less than 16 or 18 years of age commits an offence and then leaves the country or for any reasons neither appears nor is brought before the competent authority until he or she attains the age of says 50 years? If the interpretation suggested by the learned senior counsel for the appellant were to be accepted, he shall have to be sent to a juvenile home, special home or an observation home or entrusted to an aftercare organisation where there would all be boys and girls of less than 16 or 18 years of age. We are, therefore, clearly of the opinion that the procedure prescribed by the provisions of the Act has to be adopted only when the competent authority finds the person brought before it or appearing before it to be under 26 years of age if a boy and under 18 years of age if a girl on the date of being so brought or such appearance first before the competent authority. The date of the commission of offence is irrelevant for finding out whether the person is a juvenile within the meaning of Clause (h) of Section 2 of the Act. If that would have been the intendment of Parliament, nothing had prevented it from saying so specifically.

18. ********

19. ********

20. **********

21. *******

22. All this exercise would have been avoided if only the Legislature would have taken care not to leave an ambiguity in the definition of "juvenile" and would have clearly specified the point of time by reference to which the age was to be determined to find a person to be a juvenile. The ambiguity can be resolved by taking into consideration the Preamble and the Statement of Objects and Reasons. The Preamble suggests what the Act was intended to deal with. If the language used by Parliament is ambiguous the court is permitted to look into the Preamble for construing the provisions of an Act (Burrakur Coal Co. Ltd. v. Union of India). A Preamble of a statute has been said to be a good means of finding out its meaning and, as it were, the key of understanding of it, said this Court in A. Thangal Kunju Musaliar v. M. Venkatachalam Potti. The Preamble is a key to unlock the legislative intent. If the words employed in an enactment may spell a doubt as to their meaning it would be useful to so interpret the enactment as to harmonise it with the object which the Legislature had in its view. The legislative aims and objectives set out in the earlier part of this judgment go to show that this legislation has been made for taking care of the care and custody of a juvenile during investigation, inquiry and trial, i.e., from the point of time when the juvenile is available to the law administration and justice delivery system, it does to make any provision for a person involved in an offence by reference to the date of its commission by him. The long title of the Act too suggests that the content of the Act is the justice aspect relating to juveniles.

23. We make it clear that we have not dealt with the provisions of Chapter VI dealing with special offences in respect of juveniles. Prime facie, we feel that the view which we have taken would create no difficulty even in assigning a maning to the term "juvenile" as occurring in Chapter VI (Sections 41 to 45) of the Act because a juvenile covered by any of these provisions is likely to fall within the definition of "neglected juvenile" as defined in Clause (1) of Section 2 who shall also have to be dealt with by a juvenile Board under Chapter III of the Act and the view taken by us would hold the field there as well. However, we express no opinion on the scope of Chapter VI of the Act and leave that aspect to be taken care of in a suitable case. At any rate in the present context we need not vex our mind on that aspect. Section 2 which defines "juvenile" and "neglected juvenile" itself begins by saying that the words defined therein would have the assigned meaning "unless the context otherwise requires". So far as the present context is concerned we are clear in our mind that the crucial date for determining the question whether a person is a juvenile is the date when he is brought before the competent authority" (emphasis is supplied)

13. As there was an apparent conflict between the decisions in Umesh Chandra (supra) and Arnit Das (supra)'', the matter came before the larger Bench in Arnit Das Vs. State of Bihar, . However, in this case, since it was admitted position that the accused was not a juvenile, the Apex Court declined to answer the question posed on the ground that it would be a mere academic exercise. The following observations of the Court are of great relevance ;

"4. When the review petition came up for consideration on 19.1.2000, the Division Bench noticed that there appeared to be an apparent conflict of opinion on the question as to whether the date of commission of offence or the date on which the accused first appears in enquiry proceedings is relevant for the purposes of determining whether or not an accused was a juvenile under the 1986 Act. The review petition was, therefore, referred to a larger Bench to resolve the conflict between the two opinions. That is how the matter is before us.

5. In view of the findings recorded in an enquiry conducted u/s 32 of the 1986 Act, that on the date of the offence the accused-petitioner was not a juvenile for the purposes of the 1986 Act, which finding has been affirmed right up to this Court, it is of no consequence, insofar as this petition is concerned, as to whether, the crucial date for purposes of the 1986 Act is the date of commisison of the offence or the date when the accused first appears in the court in the enquiry proceedings. The reference, therefore, insofar as this petition is concerned, is only of an academic interest and we decline to answer an academic question only.

6. It is settled practice that this Court does not decide matters which are only of academic interest on the facts of a particular case."

14. In the case of Rajinder Chandra Vs. State of Chhattisgarh and Another, it has been held that the Court should not adopt a hyper-technical approach in that case, when an accused is claimed to be a juvenile and when there is a marginal difference on the question as to whether he was or he was not a juvenile, the benefit of such an uncertainty should be given to the accused. In other words, in border line cases, when two views are possible on the basis of the evidence produced, the view, which is in favour of the juvenile accused, should be adopted. The relevant observations may be seen at paras 4 and 5, which read as follows :

"4. The High Court in exercise of its revisional jurisdiction, found the findings arrived at by the learned Sessions Judge and the Magistrate to be legally infirm and hence not sustainable. The High Court noticed that although in the marks-sheet of Class VIII there appeared to be some overwriting on the year 1981 but thee same was attested by the officer who had issued it. Moreover, the date of birth was entered in figures and words both. While in the figures there was an overwriting but there was no overwriting in the words wherein the date was clearly mentioned as "thirtieth September nineteen eighty-one" and, therefore, there was no room for doubt. In the birth and death register kept by Kotwar, there was some doubt whether the date of birth was recorded as 30.6.1981 or 30.9.1981 but the doubt was removed by reference to other entries in vicinity. The factum of Gopal Prasad Tiwari, father of the accused, having begotten a son, was entered at Sl. No. 29. The preceding two entries referable to other children born to others at Sl. Nos. 27 and 28 were dated 23,9.1981 and 15.9.1981 respectively and, therefore the relevant entry at Sl. No. 29 could be of 30.9.1981 only and not of 30.6.1981. Thus, in substance, the High Court has concluded that the doubts assumed to be in existence by the learned Sessions

Judge were not reasonable doubts and in the light of the explanation furnished by the accused, there was hardly any room for doubt and a high degree of probability was raised that the date of birth of the accused was 30.9.1981. In our opinion, the High Court has not erred in arriving at conclusion which it has reached and it rightly interfered with the orders of the two courts below because if allowed to stand they would have occasioned failure of justice.

5. It is true that the age of the accused is just on the border of sixteen years and on the date of the offence and his arrest he was less than 16 years by a few months only. In Arnit Das v. State of Bihar this Court has, on a review of judicial opinion, held that while dealing with the question of determination of the age of the accused for the purpose of finding out whether he is a juvenile or not, a hyper technical approach should not be adopted while appreciating the evidence adduced on behalf of the accused in support of the plea that he was a juvenile and if two views may be possible on the said evidence, the court should lean in favour of holding the accused to be a juvenile in borderline cases. The law, so laid down by this Court, squarely applies to the facts of the present case."

15. In the case of Bhoop Ram Vs. State of U.P., the Apex Court expressed the view that the school certificate produced by the accused showing that the accused was below 16 years of age at the time of the alleged occurrence is contrary to the medical certificate, which shows that the accused was above 16 years of age on the relevant date. If no material throwing doubt on the entries of the school certificate is shown, then, the school certificate cannot be rejected. The relevant portion of this decision states as follows :-

"19. In the instances case also there are two documents of two different schools showing the age of the accused appellant as 22.6.57 and both these documents have been signed by his father were in existence ante litem motam. Hence there could be no ground to doubt the genuineness of the documents and the High Court committed a serious error of law in brushing aside the important documents.

22. Thus, the appellant''s father has given a cogent reason for changing the date of birth and there is no reason not to accept his explanation particularly because the offence was committed seven years after changing the date of birth and, therefore, there could be no other reason why Gopal Sharma should have gone to the extent of filing an affidavit to change the date, except for the reason that he has given."

16. In Bhola Bhagat Vs. State of Bihar, the Apex Court has laid down the duties of the Court, when the plea that the accused was a child on the date of occurrence is taken for the first time in the High Court. The relevant observation in this regard may be extracted from paras 15, 10 and 18, which lay down as follows :

"15. The correctness of the estimate of age as given by the trial Court was neither doubted nor questioned by the State either in the High Court or in this Court. The parties have, therefore, accepted the correctness of the estimate of age of the three

appellants as given by the trial Court. Therefore, these three appellants should not be denied the benefit of the provisions of a socially progressive statute. In our considered opinion, since the plea had been raised in the High Court and because the correctness of the estimate of their age has not been assailed, it would be fair to assume that on the date of the offence, each one of the appellants squarely fell within the definition of the expression "child". We are under these circumstances reluctant to ignore and overlook the beneficial provisions of the Acts on the technical ground that there is no other supporting material to support the estimate of ages of the appellants as given by the trial Court, though the correctness of that estimate has not been put in issue before any forum. Following the course adopted in Gopinath Ghosh, Bhoop Ram and Pradeep Kumar cases while sustaining the conviction of the appellants under all the charges we quash the sentences awarded to them.

16. *****

17. Before parting with this judgment, we would like to re-emphasise that when a plea is raised on behalf of an accused that he was a "child" within the meaning of the definition of the expression under the Act, it becomes obligatory for the Court, in case it entertains any doubt about the age as claimed by the accused, to hold an inquiry itself for determination of the question of age of the accused or cause an injury to be held and seek a report regarding the same, if necessary, by asking the parties to lead evidence in that regard. Keeping in view the beneficial nature of the socially oriented legislation, it is an obligation of the court where such a plea is raised to examine the plea with care and it cannot fold its hands and without returning a positive finding regarding that plea, deny the benefit of the provisions to an accused. The court must hold an enquiry and return a finding regarding the age, one way to or the other. We expect the High Courts and subordinate Courts to deal with such case with more sensitivity, as otherwise the object of the Acts would be frustrated and the effort of the legislature to reform the delinquent child and reclaim him as a useful member of the society would be frustrated. The High Courts may issue administrative directions to the subordinate courts that whenever such a plea is raised before them and they entertain any reasonable doubt about the correctness of the plea, they must as a rule, conduct an inquiry by giving opportunity to the parties to establish their respective claims and return a finding regarding age of the accused concerned and then deal with the case in the manner provided by law."

17. From an analysis of the Apex Court''s pronouncements catalogued above, it clearly transpires that whenever a question is raised that the age of the accused was such that he/she was entitled to receive the benefit of the Juvenile Justice Act or any such beneficial legislation meant for juveniles, it is the duty of the Court to examine this aspect of the matter and extend the benefit of such Act, if the accused is found entitled thereto. Such a plea, even if raised for the first time before the High Court in

criminal revision, the High Court cannot ignore the same on the ground that no such plea was raised in the trial Court or in the appellate Court.

18. What is, however, essential to note in this revision is that there is no dispute before this Court that if the school certificate relied upon by the accused-petitioner in the present revision is believed, then, the accused-petitioner not only at the time, when he allegedly committed the offence, but even at the time, when he was brought before the Court for trial, he was a juvenile.

19. The above aspect of the matter, therefore, needs close examination by the learned trial Court taking into account such evidence, which may be adduced, in this regard by the accused-petitioner as well as by the prosecution. I would have endeavoured to dispose of this revision by getting the age of the accused-petitioner determined by the learned trial Court in terms of the law laid down by the Apex Court in its various pronouncements, but in view of the fact that there is yet another serious laps on the part of the learned trial Court and this lapse coupled with the question of age of the accused-petitioner impel me to remand this revision to the learned trial Court for disposal in accordance with law.

20. On perusal of the record, what attracts my eyes, prominently, is that while examining the accused-petitioner u/s 313 Cr.P.C., learned trial Court has put one broad question to the accused-petitioner and by this question, the learned trial Court wanted to elicit the accused-petitioner''s answer as to what he had to say with regard to the entire case set up against him by the prosecution with the help of their witnesses. This is, undoubtedly, a serious lapse as indicated hereinabove.

21. If may be mentioned here that the examination of the present accused-petitioner u/s 313 Cr.P.C. is wholly perfunctory and many of the incriminating materials on which the learned trial Court placed reliance to find conviction of the Apex Court caused were not put to the accused. It is apposite to recall Apex Court''s decision in Sharad Birdhgi Chand Sarada v. State of Maharashtra AIR 1983 SC 1622 which lays down succinctly the law on the subject of examination of accused u/s 313 Cr.P.C. in the following words :

"Apart from the aforesaid comments, there is one vital defect in some of the circumstances mentioned above and relied upon by the High Court, viz. Circumstances Nos. 4, 5, 6, 7, 8, 9, 11, 12, 13, 16 and 17. As these circumstances were not put the appellant in his statement u/s 313 of the Criminal Procedure Code, they must be completely excluded from consideration, because the appellant did not have any chance to explain them. "This has been consistently held by this Court as far as back in 1953, where in the case of Hate Singh Bhagat Singh Vs. State of Madhya Bharat, this Court held that any circumstance in respect of which an accused was not examined u/s 342 of the Criminal Procedure Code cannot be used against him. Ever since this decision, there is a catena of authorities of this Court uniformly taking the view that unless the circumstances appearing against on

accused is put to him in his examination u/s 342 or Section 313 of the Criminal Procedure Code, the same cannot be used against him.... It is not necessary for us to multiply authorities on this point as this question now stands concluded by several decisions of this Court. In this view of the matter, the circumstances which are not put to other appellant in his examination u/s 313 of the Criminal Procedure Code have to be completely excluded from consideration." (emphasis is added by us)

I may also refer at this stage to State (Delhi Administration) Vs. Dharampal, , Kashi Ram and Others Vs. State of M.P., , State of Punjab Vs. Naib Din, .

22. In view of the grossly inadequate examination of the accused u/s 313 Cr.P.C., this Court, in the context of the facts and circumstances indicated hereinabove, has no option, but to remand the case to the learned trial Court for proper examination of the accused-petitioner u/s 313 Cr.P.C. and determining the question as to whether the accused-petitioner was entitled to the benefits of the Juvenile Justice Act, 1986.

23. In the result and for the reasons discussed above, this revision partly succeeds. The impugned judgments and orders of the conviction and sentence passed by the learned Assistant Sessions Judge in Sessions Case No. 101/92 and upheld by the learned Sessions Judge, in Criminal Appeal No. 1(4)794, shall accordingly stand set aside and the case is remanded to the learned trial Court with direction to take such evidence as may be adduced by the parties on the subject of the age of the accused-petitioner and, then, after appropriate examination of the accused-petitioner u/s 313 Cr.P.C., if the learned trial Court finds that the accused-petitioner is not entitled to the benefit of the Juvenile Justice Act, 1986, the case shall be disposed of in accordance with law. However, if the decision of the Court is otherwise and the learned trial Court conies to take the view that the accused-petitioner is governed by the provisions of the Juvenile Justice Act, 1986, the accused-petitioner shall be referred to the Court/appropriate authority for doing the needful in accordance with law.

24. With the above observations and directions, this revision shall stand disposed.

25. In order to ensure expeditious disposal of the whole case, the accused-petitioner is hereby directed to appear in the learned trial Court on 10.6.2003 for further necessary orders.

26. Send down forthwith the case record with a copy of this order.