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DELHI POLICE ACADEMY

CRIMINAL APPEAL NO. 3299 of 2026,
[Arising out of SLP (Crl.) No. 5633 of 2026]
Date of Judgement: 21/07/2026

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**“Offence of Murder to be categorized as ‘Heinous’
offence, not ‘Serious’ offence, under JJ Act”
– the Supreme Court of India.**

**X. Appellant(s)
V/s**

The State of Bihar and Ors. Respondent(s)

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Act and Section/Rule Involved

- 1) Rule 8 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016.
- 2) Sections 2(33), 2(54) and 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Relevant Paragraphs in Judgement:-

- (i) For facts of the case:- para 4-16
- (ii) For effective Law:-para no. 85

Brief Facts of the case

On 02.05.2022, the complainant found her son's dead body in the fields and named the appellant and another boy as suspects. FIR No. 72/2022 u/s 302/201/34 IPC was registered at P.S. Kopa, and investigation commenced. Upon completion of investigation, a chargesheet was filed against the appellant and the other juvenile. The appellant claimed juvenility, whereupon the matter was referred to the Juvenile Justice Board (JJB). The JJB determined his age as 16 years and 4 months on the date of the alleged offence and declared him a juvenile. **The record reveals that the appellant allegedly slit the deceased's throat with a knife. The weapon allegedly used in the commission of the offence was recovered at the appellant's instance during the investigation.**

Relying on the counselling report prepared during the preliminary assessment under section 15 of the JJ Act, the JJB initially decided to retain the case for inquiry. On the complainant's appeal, the Sessions Court, and subsequently the High Court, set aside the JJB's order and directed that the appellant be tried as an adult, having regard to the nature of the offence. The appellant challenged the said orders before Hon'ble Supreme Court.

Main Issues Involved

- 1) Whether an offence prescribing punishment of death or imprisonment for life could said to be an offence falling within the phrase maximum imprisonment for a term more than 7 years but no minimum imprisonment u/s 2(54) JJ Act.
- 2) What type of material and other factors should be considered by the JJB while conducting a preliminary assessment u/s 15 JJ Act.



Judgement

The Hon'ble Supreme Court while upholding High Court order held that:-

- (1) An offence under Section 302 IPC is classified as a **"Heinous Offence"** (under Section 2(33) of JJ Act) because the law prescribes punishment of "death or imprisonment for life", carries life imprisonment as the minimum punishment, which cannot be grouped with "serious offences" under section 2(54) of the JJ Act.
- (2) The JJB, to arrive at its conclusion at the end of preliminary assessment, is not bound by any opinion or recommendation and must independently apply its mind to all the material available to it.
- (3) In order to arrive at a conclusion, the JJB must assess all the material together keeping in mind the four parameters (mental capacity of child to commit offence, physical capacity of child to commit offence, ability of child to understand consequences, the circumstances in which child committed offence) stipulated u/s 15 JJ Act. The SIR (Social Investigation Report) and SBR (Social Background Report) are not supplementary material, as they constitute pertinent inputs for the preliminary assessment and must be accorded due weight alongside the expert opinion.

Furthermore, in terms of Rule 8(5) of Juvenile Justice (Care and Protection of Children) Model Rules, 2016, the Child Welfare Police Officer is required, in every case involving the alleged commission of an offence by a child, to record the child's social background and the circumstances leading to his or her apprehension in the prescribed Form 1 and forward the same forthwith to the Juvenile Justice Board. For the purpose of collecting the best available information, the Special Juvenile Police Unit or the Child Welfare Police Officer is required to contact the child's parent or guardian.

