



2025:DHC:9661



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 30.10.2025*+ **CRL.REV.P. 484/2024 & CRL.M.A. 20096/2024,**
CRL.M.A. 22133/2024, CRL.M.A. 10993/2024

.....Petitioner

Through: Mr. Satyam Thareja
(DHCLSC) with Mr. Shaurya
Katoch and Mr. Shikhar
Yadav, Advocates

versus

STATE (GOVT. OF NCT OF DELHI)
& ANR.

.....Respondents

Through: Mr. Aashneet Singh, APP for
the State with ASI Vikram
Singh P.S. Karawal Nagar**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present petition under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 [hereafter '*JJ Act*'], the petitioner seeks setting aside of the judgment dated 16.08.2023, passed in Criminal Appeal No. 17/2023 titled '*Atma Ram v. State*' by learned Additional Sessions Judge-02, North-East District, Karkardooma Courts, Delhi [hereafter '*Sessions*']



Judge'] on the ground that the said judgment was rendered by a Court not vested with the jurisdiction to decide the same.

2. It is the petitioner's case, as also recorded by this Court in order dated 30.07.2024, that Section 101(1) of the JJ Act provides that any person aggrieved by an order made by the Committee or the Board under the JJ Act may prefer an appeal before the Children's Court. Further, Section 2(20) of the JJ Act defines "Children's Court" to mean a court established under the Commissions for Protection of Child Rights Act, 2005, or a Special Court under the Protection of Children from Sexual Offences Act, 2012. It is contended that where such special courts have not been designated, the Court of Sessions having jurisdiction to try offences under the JJ Act may function as a Children's Court; however, in Delhi, specific Children's Courts have already been constituted and notified. Thus, the impugned order is liable to be set aside.

3. The learned APP for the State does not dispute the submissions made by the learned counsel for the petitioner.

4. In this regard, a report was sought from the Principal District and Sessions Judge, North-East District, Delhi as to whether the Court of learned Additional Session Judge-02, North-East, Karkardooma Courts, Delhi fell within the category of "Children's Court" as defined under Section 2(20) of the JJ Act. The report received by this Court is set out below:

"1. It is submitted that orders dated 30.07.2024, 05.09.2024 and 04.11.2024 passed by Hon'ble High Court of Delhi in



aforesaid matter were produced before the undersigned only on 16.11.2024 for the first time. The undersigned has inquired from the official (General Branch) and it has been reported that due to an oversight, copy of order dated 30.07.2024 was forwarded by that Branch to the Court of Additional Sessions Judge-02, NE District, Karkardooma Courts, Delhi, as the case (Criminal Appeal No. 17/2023 titled as Atma Ram Vs State) was decided by that Court and the same Was not brought to the notice of the undersigned. Official (General Branch) has been directed to be very careful in future.

2. As per the information made available by the Judicial Branch, NE District, Karkardooma Courts, Delhi, vide notification F. No. 61(6)/(State Commission)/A D-I/DWCD/2007/10197-223 dated 04.08.2010 (copy of the same is enclosed herewith as **Annexure-A**) Court of Additional Sessions Judge-01 at each police District was specified as Children's Court for the trial of offences against children or of violation of child right for the National Capital Territory of Delhi.

3. Further, vide notification F. No. 61(313)DD(CPU)/DWCD.2013/Vol-III/19348-80 dated 28.11.2019 (copy of the same is enclosed herewith as **Annexure-B**) certain additional Courts in other Districts were also specified for the trial of offences against children, violation of child rights and for trial of offences under the Protection of Children from the Sexual Offences Act, 2012. However, there was no change insofar as the North East District is concerned.

4. **Accordingly, it appears that the Court of Additional Session Judge-02, North East District, Karkardooma Courts, Delhi, does not fall under the category of Children's Court as defined under Section 2 (20) of the Juvenile Justice (Care and Protection of Children) Act, 2015. However, the subject case i.e. Criminal Appeal No. 17/2023 titled as Atma Ram Vs State was assigned to the Court of Additional Sessions Judge-02, North East District, Karkardooma Courts, Delhi, by my Ld. Predecessor on 24.02.2023..."**

(Emphasis added)



5. The relevant notification in this regard is extracted hereunder:

“F. No. 61(6)/(state commission)/A D-I/DWCD/2007/-- In exercise of the powers conferred under section 25 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) read with Government of India, Ministry of Home Affairs Notification No. S.O. 92 (E) dt. 15.01.2008 and with concurrence of Chief Justice of Delhi High Court, the Lt. Governor of the National Capital Territory of Delhi hereby specifies **the Courts of Additional Sessions Judge- 01 at each Police District as Children's' Court** for the trial of offences against children or of violation of child right for the National Capital Territory of Delhi.”

6. This Court has carefully examined whether the passing of the impugned judgment by a Court lacking jurisdiction has resulted in prejudice to the petitioner, which warrants interference under Section 102 of the JJ Act. The record in the present case reveals that the appeal before the learned Sessions Judge concerned the issue of whether the child in conflict with law (petitioner herein) was to be tried as an adult. It is not in dispute that Children’s Courts have been duly notified in Delhi for adjudicating cases pertaining to offences against children or violation of child rights. In view of the statutory scheme and the notifications issued in view thereof, it is evident that the Court of Additional Sessions Judge–02, North-East District, Karkardooma Courts, Delhi, was not vested with jurisdiction to hear and decide appeals under Section 101 of the JJ Act, which lie exclusively to the Children’s Court. Consequently, the impugned judgment dated 16.08.2023, having been passed by a Court lacking jurisdiction, is liable to be set aside on that limited ground. As



regards prejudice, it is noted that the petitioner, who had been declared a juvenile by the JJ Board, was directed by the impugned judgment to be tried as an adult on an appeal filed by the father of the deceased. Thus, the order adverse to the petitioner emanated from a Court which was not competent to adjudicate such appeal.

7. Accordingly, the impugned judgment dated 16.08.2023 passed in Criminal Appeal No. 17/2023 by the learned Sessions Judge is set aside on the ground of lack of jurisdiction. The matter is remitted to the competent Children's Court (i.e., the Court of learned Additional Sessions Judge-01, North-East District, Karkardooma Courts, Delhi) for consideration and disposal of the appeal in accordance with law.

8. *Be that as it may*, this Court is also of the opinion that, even if the case was inadvertently marked to the concerned Sessions Judge due to an administrative or clerical oversight, the Presiding Officer, being aware of the statutory limits of jurisdiction, ought to have returned the file to the learned Principal District and Sessions Judge for being placed before the competent Children's Court.

9. Considering the same, **this Court directs** that the learned Principal District & Sessions Judges of all districts in Delhi, including the District Judge (Headquarters), shall issue an administrative circular directing that if any matter is inadvertently marked to a Court lacking jurisdiction, the concerned Judicial Officer shall immediately return the file to the Principal District & Sessions Judge for its allocation to the competent Court.



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10. In view of above, the present petition alongwith pending applications, if any, stands disposed of.
11. A copy of this order be circulated among the Principal District & Sessions Judges of all districts in Delhi, for necessary information and compliance.
12. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 30, 2025/ns