

**BEFORE THE JUVENILE JUSTICE BOARD
PRESIDED OVER BY MRS ILA RAWAT PRINCIPAL
MAGISTRATE, DELHI.**

16.4.2008

FIR No.111/08
PS: Ashok Vihar

Arguments on bail application have already been heard and matter is listed for orders today.

As per the case of the prosecution Del. Along with his father and two other accomplices and restrained complainant and three others. The incident apparently was continuation of earlier altercation between the delinquent and the complainant party which had taken place on the day of Holi. On the day of incident delinquent along with is adult accomplices stopped the car of the complainant by blocking its way with Honda CRV which delinquent was driving himself. On utterance by delinquent “ Papa aj inko mat Chorna” father and other accomplices of delinquent proceeded to exchange hot words and indulge in physical fight with the complainant and his three other friends. The father of delinquent is stated to have used his licensed pistol to fire shots and injured and also sustained injuries himself in the process.

Ld. Counsel for delinquent has contended that complainant and his friends had been bullying the delinquent and even on the day of incident had been following the delinquent who reported the matter to his father. He states that the entire incident was unfortunate and that the mother of the delinquent was ready to abide by any condition imposed by the Board, in case the delinquent was released on bail.

Ld. APP has opposed the bail application by contending that offence was heinous one and had been well planned by the delinquent and his adult associates and has

prayed that application for bail filed on behalf of delinquent be dismissed.

Heard.

SIR as well as reports perused.

The juvenile justice systems in its traditional form focuses on dealing with youth after an initial contact with a situation of conflict with law. This involves a reactive emphasis on delinquent behavior, which is still prominent and necessary. However, at the same time a proactive approach to help stem the swell of delinquent youth is also the need of the hour. We need to have a comprehensive, sensitive and a proactive system. We need to have a multi pronged approach in place that also focuses on reducing the risks and increasing resiliency against juvenile crime. Since the complexity of juvenile crime can not be dealt with by law alone this approach is necessary not only for crime prevention but for also ensuring that in as many a cases as possible an instance of a juvenile coming in conflict with law becomes last such instance.

It is high time that more emphasis should be laid on prevention as a possible option and an alternative to an exclusive focus on rehabilitation of punishment only. After the juvenile gets into a situation of conflict with law.

As per the Fir and the submissions made on behalf of the delinquent before the Board the avoidable incident that resulted in the registration of the present case had its genesis in the urge to have crude display of Material possessions/swanky cars/guns etc. The delinquent as well as the injured youngsters had been enjoying unrestricted and unchecked access to motor vehicles when some of them, including the delinquent had not even attained the age to hold a valid driving license.

However, children alone cannot be blamed for this, as not only children, but even the adults are often resorting to a creed display of the toys they possess. The parents elders often allow children access to things that are beyond their age/maturity. Today children are exposed to so many things that at times, they are confused and rudderless. Speedy automobiles, stunts, violent games, weapons being shown on screens/video games etc. are becoming a part of the made believe world of children parents either do not have the time, expertise, patience, inclination or authority/control to properly guide children.

In fact many a time, as also seen in the present case, parents not only over indulge their children but succumb their unreasonable demands as well. This is a matter of concern as children concerned are not only being routinely exposed to situations that bring them in conflict with law but may endanger their own lives as also the lives of other road users and may cause serious injuries on account of accidents resulting from lack of maturity of mind, misplaced sense of power/thrill etc.

In the present case father of delinquent is stated to be having a licensed weapon. Availability of a weapon, licensed or otherwise poses a serious risk factor for a child. This indiscreet act on the part of the father to take recourse to use of weapon publicly to settle scores amongst youngsters is bound to set up a very wrong example for the delinquent as well as others. It is also pertinent to mentioned that the delinquent himself is have "shooting" as one of his hobbies as is borne out from his SIR. Irrespective of any alleged provocation, if any crude expression of such brute force by use of a weapon which could have resulted in much graver consequences can not be justified in a civilized society for any reason whatsoever.

As observed herein above as also its various orders passed from time to time be this Board the complexity of juvenile crime can not be dealt with in a purely legalistic

manner. The Juvenile Justice Board has been emphasizing that all concerned/stake holders interested in the welfare, well being of children in general and juveniles in particular must join hands to ensure creating a system and evolving best practices that can prevent the spiraling rise in the juvenile crime.

In the present case it is an unfortunate reality that rather than counseling the child the father of delinquent has acted in a manner that would eventually bring the child a step closer to become a child beyond parental control.

It is stated that the delinquent is a student of XII standard and the uncle (Mama) of the delinquent is willing to take the responsibility of the delinquent to ensure that he does not get in to a similar situation and/or any other situation that may bring him in conflict with law again. The said uncle as well as mother of delinquent have filed separate affidavits showing their willingness to take all necessary steps in the interest and well being of the delinquent.

Consideration the totality of circumstances the delinquent admitted to bail for a period of three months on furnishing of personal bond in sum of Rs. 10,000/- by his mother with surety bond in like amount being furnished by his uncle

Period shall be computed from the day bond is furnished.

However, keeping the overall interest and well being of the child it is also deemed necessary that the delinquent as well as his parents be directed to attend to counseling sessions at Po Unit Juvenile Justice Board on 3rd Saturday of each Month for a period of one year. The counseling Sessions shall begin after father of delinquent is released on bail from the adult court as it is very necessary the understand his responsibility towards society to maintain a pro-social behavior.

Regular reports be submitted before juvenile justice Board, for further orders on bail application on next date of hearing i.e. three months after the date when bail bond on behalf of delinquent is furnished.

A copy of this order be sent to Commissioner of police, Additional Commissioner of Police (Licensing) and all DCP' s, in the Districts concerned, for seeking their feed back and support to develop an awareness programme by way of public campaigns, Workshops etc. for license holders of weapons/fire arms for safe custody of the weapons and also curbing the instances of crude display and use of weapons in public that are in any case violative of the terms and conditions subject to which these licenses are granted.

Ordered accordingly.

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(ILLA RAWAT)
Principal Magistrate,
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