
(2023) 05 MP CK 0078
In the Madhya Pradesh High Court
Case No : Writ Petition No. 11992 Of 2023

Aniket Tiwari

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 22-05-2023

Acts Referred:

Citation : (2023) 05 MP CK 0078

Hon'ble Judges : Vivek Agarwal, J; Prem Narayan Singh, J

Bench : Division Bench

Advocate : Kunal Thakre, Amit Seth

Final Decision : Disposed Of

Judgement

Vivek Agarwal, J

Shri Kunal Thakre, learned counsel for the petitioner submits that petitioner Aniket Tiwari has filed this petition on behalf of his brother Krishna Tiwari S/o Om Prakash Tiwari and Smt. Seema Tiwari, pointing out that date of birth of child allegedly in conflict with law is 05.04.2006. He is a minor yet has been detained in Central Jail, Sagar.

It is submitted that since child allegedly in conflict with law is a minor, State be directed to produce him and he be treated in terms of the provisions contained in Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the "Act of 2015").

Shri Amit Seth, learned Deputy Advocate General, in his turn, submits that firstly bail application filed by the child allegedly in conflict with law was rejected by the learned Single Bench of this Court vide order dated 04.05.2023 passed in M.Cr.C. No.19078/2023. Secondly, there is a procedure prescribed under Section 9 of the Act of 2015, which requires to be followed. Petitioner is authorized and empowered to move to the concerned Magistrate under Section 9 of the Act of 2015 and once it is determined that child allegedly in conflict with law is a

juvenile then law will take its own course.

After hearing learned counsel for the parties and taking these submissions into consideration and also the fact that learned Single Bench has already rejected the bail application filed by the alleged child in conflict with law, the right course will be to relegate the petitioner to approach the concerned Magistrate in terms of the provisions contained in Section 9 of the Act of 2015 and once it is determined that the child in conflict with law is a juvenile then law will take its own course.

With the aforesaid liberty, this writ petition is disposed of.