



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Criminal Appeal (Db) No. 297/2026
CNR: RJHC020469212026 | URN: CRLAD / 508U / 2026

State Of Rajasthan, Through Public Prosecutor

----Appellant

Versus

Juvenile In Conflict With Law "A", Resident Of Bamanwas
Pattikalan, Police Station Bamanwas District Sawaimadhopur.

----Respondent



For Appellant(s)	:	Mr. Rajesh Choudhary, GA-cum-AAG with Mr. Aman Agarwal, Ms. Neha Goyal & Mr. Vinod Kumar Sharma
For Respondent(s)	:	Mr. Rajneesh Gupta with Ms. Chanchal

**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE BHUWAN GOYAL**

Order

29/09/2026

This criminal appeal under Section 418 Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the State only against the order of sentence passed by the learned Children's Court (Sessions Judge), Sawaimadhopur (for short, 'learned trial Court') in Sessions Case No. 03/2024 whereby, while convicting the accused-respondent under Section 302 IPC and Section 4/25 Arms Act, 1959, he has been sentenced as under:-

- 1. Section 302 IPC:** Ten years' rigorous imprisonment and fine of ₹5,000/-; in default whereof, three months' additional simple imprisonment.
- 2. Section 4/25 Arms Act:** One year's rigorous imprisonment and fine of ₹1000/-; in default whereof, 15 days' additional simple imprisonment.



Learned Government Advocate cum Additional Advocate General, inviting attention of this Court towards the provisions of Section 21 of The Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity 'the Act of 2015'), would contend that it was not permissible for the learned trial Court to have imposed the sentence of 10 years' rigorous imprisonment despite conviction of the accused-respondent-juvenile under Section 302 IPC without furnishing any reason as to why the sentence for life imprisonment without the possibility of release was not imposed and as to why the limited period sentence of 10 years' was inflicted. He, therefore, prays that while quashing the order of sentence, the matter may be remanded to the learned trial Court for passing an order afresh only qua the sentence.

Learned counsel for the accused-respondent, in all his fairness, did not dispute the aforesaid proposition.

Heard. Considered.

Section 21 of the Act of 2015 states as under:-

"21. No child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code or any other law for the time being in force."

From the aforesaid, it is apparent that no child in conflict with law shall be sentenced to death or the life imprisonment **without the possibility of release** for any such offence either under the provisions of this Act or under the provisions of IPC or any other law for the time being in force. Thus, the sentence for



life imprisonment can always be awarded provided it is not without the possibility of release. On that premise, we are of the considered view that it was obligatory upon the learned trial Court to have furnished cogent reasons for imposing the sentence for the limited period of 10 years. Since, the order impugned dated 11.02.2026 imposing the sentence is bereft of any reason for imposing the sentence for the limited period, we deem it just and proper to allow this criminal appeal.

Resultantly, the appeal is allowed. The order of sentence dated 11.02.2026 passed by the learned trial Court in Sessions Case No. 03/2024 is quashed and set aside and the matter is remanded back to the learned trial Court for passing an order afresh qua the sentence part.

(BHUWAN GOYAL),J

(MAHENDAR KUMAR GOYAL),J

10/Anu