



# NAVIGATING THE SYSTEM

## STAGES IN CRIMINAL AND JUVENILE JUSTICE

MARCH 2024



This flowchart outlines the **primary procedural differences** between the Criminal Justice System (CJS) for adults, and the Juvenile Justice System (JJS) for children. It also includes the pertinent provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), and the Juvenile Justice (Care And Protection Of Children) Model Rules, 2016 (JJ Rules, 2016), where applicable.

## CRIMINAL JUSTICE SYSTEM

**Registration of FIR**  
[Section 154 of CrPC]

**Arrest**  
[Section 41 of CrPC]

**Accused sent to police lock up**  
**Production of accused before Magistrate within 24 hours**  
**Remand (to police/judicial custody) or Bail**

**No such inquiry is required under the CJS**

**Bail under CJS** can be granted by the Court only. If it is a **bailable offence** then **bail is a right**. However, if it is a non-bailable offence it depends upon the **discretion of the judge**

## JUVENILE JUSTICE SYSTEM

**First Information Report (FIR) Daily Diary Entry (DD)**  
(FIR to be registered for heinous offences and DD Entry is to be made for petty and serious offence)  
[Rule 8(1) of JJ Act]

**Apprehension**  
[Section 10 of JJ Act]

**First summary inquiry**  
[Rule 10 of JJ Act]  
Child to be produced before Juvenile Justice Board (JJB) within 24 hours. Child Welfare Police Officer (CWPO) is responsible for producing the child

**Age Determination Inquiry\***  
to be prepared (within 15 days from the date of first production before JJB)  
[Section 94 of JJ Act and Rule 19(2) of JJ Rules, 2016]

**CLAIM OF JUVENILITY CAN BE RAISED AT ANY POINT OF TIME**

**Bail [Section 12 of JJ Act]**  
Reasons for denial of bail [Section 12(1) (Proviso) of the JJ Act]  
Bail can be granted by the police at the stage of FIR.  
**Bail can be applied at any time before JJB.**

\*If a child between 16 to 18 years of age is accused of committing a heinous offence (REFER TO PG 3)

## CRIMINAL JUSTICE SYSTEM

No such reports are required  
under the CJS

**Chargesheet**  
[Section 173 of CrPC]

**Cognizance taken by Magistrate +  
issue of summons/warrant**

**Framing of charges**

**Prosecution evidence (chief and  
cross examination of prosecution  
witnesses)**

**Statement of accused**

**Defence evidence (chief and cross  
examination of defence witnesses)**

**Final arguments**

**Judgement - acquittal / conviction**

## JUVENILE JUSTICE SYSTEM

### **Social Background Report (SBR)**

to be prepared by CWPO  
[Rule 8(1) of JJ Act]  
[Form 1, Rules 8(1) and 8(5) of JJ Rules,  
2016]

### **Social Investigation Report (SIR)**

to be prepared (within 15 days from the  
date of first production before JJB)  
Section 8(3)(e) of JJ Act and Rules 10(9),  
11(2), 64(I), 64(3)(I) of JJ Rules, 2016

### **Completion of investigation - Final Report/Police Investigation Report (PIR)**

[Section 173 of CrPC]

### **Commencement of inquiry**

**Framing of notice**

**Prosecution evidence (chief and  
cross examination of prosecution  
witnesses)**

**Statement of Child in Conflict with  
the Law (CCL)**

**Defence evidence (chief and cross  
examination of defence witnesses)**

**Final arguments**

### **Completion of inquiry (acquittal/committed) and subsequent orders**

[Section 18 of JJ Act and Rule 11 of JJ  
Rules, 2016]

**CRIMINAL JUSTICE SYSTEM**

**Sentencing**

**No Individual Care Plan (ICP) are prepared under the CJS**

**Appeal / Revision**

**JUVENILE JUSTICE SYSTEM**

**Dispositional order**

**Individual Care Plan (ICP)**  
[Form 7, Rule 11(3) of JJ Rules, 2016]

**Appeal (Children’s Court)**  
**Revision (High Court)**

**\*IF A CHILD BETWEEN 16 TO 18 YEARS OF AGE IS ACCUSED OF COMMITTING A HEINOUS OFFENCE**

**Preliminary Assessment (PA)**  
Report of the child (to be completed within 3 months from the date of first production)  
[Section 14(3) and Section 15 of JJ Act]

**JJB will assess the PA report and shall decide on whether the CCL’s case shall be transferred to Children’s Court or shall remain with the JJB**

**If decided to be treated as a child, the above JJ procedure shall be followed**

**If decided to be treated as an adult, the matter shall be sent to Children’s Court**

**Children’s Court shall conduct PA**  
[Section 19(1)(ii) of JJ Act]

**If the Children’s Court finds the PA not conducted properly, they may conduct a PA again or order fresh assessment**

**If the Children’s Court finds that PA was done properly, then the case shall proceed under the CJS**

**NOTE**

A child is entitled to bail under Section 12 of the JJ Act, even if their case is before the Children’s Court.