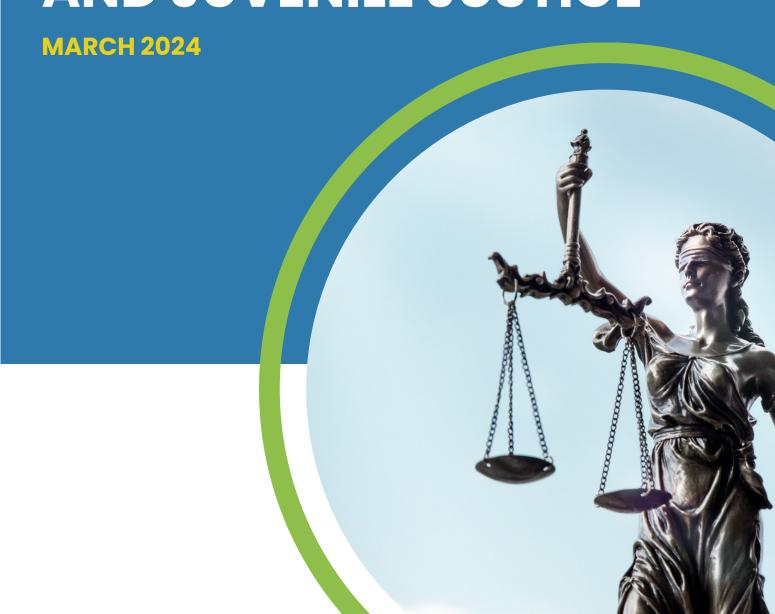


# NAVIGATING THE SYSTEM STAGES IN CRIMINAL AND JUVENILE JUSTICE





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.



### **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**

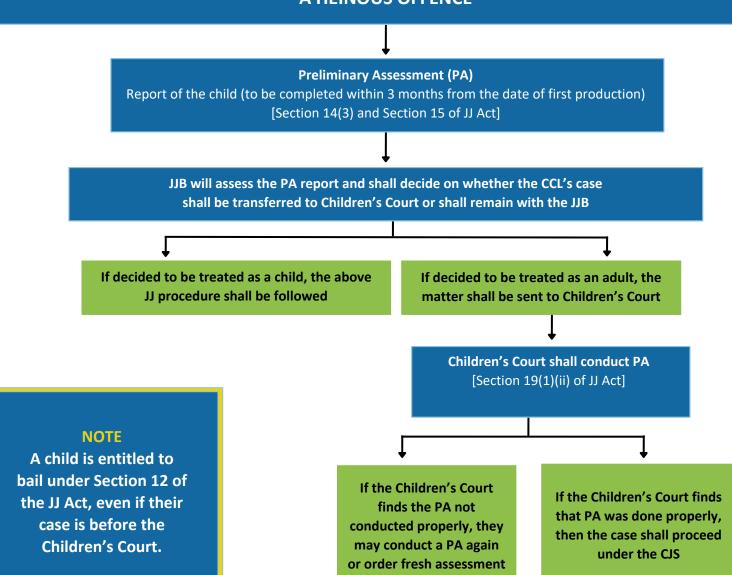
### **Dispositional order**

**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



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