"C.R."

**BECHU KURIAN THOMAS, J.**

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**Crl. M.C. Nos. 34, 21, 193, 220, 228, 232, 234, 243, 249, 364, 387, 458, 462, 697, 729, 775, 825, 833, 840, 867, 871, 967, 1039, 1056, 1062, 1073, 1076, 1092, 1117, 1182, 1436, 1450, 1480, 1516, 1541, 1681, 1815, 1822, 1860, 2028, 2131, 2316, 2587, 2629, 2871, 2937, 3064, 3097 of 2024 & 9980, 10125, 10185, 10373, 10630, 10717, 10720, 10727, 10737, 10785, 10893, 10961, 11026, 11046, 11099, 11192, 11304, 11318 and 11324 of 2023**

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Dated this the 24th day of June, 2024

**ORDER**

The consequences of reckless driving are manifold. Instances of minors taking the wheel without possessing a license to drive have been on the increase, leading to numerous accidents. Repercussions of such acts include injuries and fatalities not only to the drivers but also to the innocents on the road. With a near immunity against prosecution of a minor, the tendency to indulge in such acts unabashedly has seen a rise, with the owners of motor vehicles not taking due precautions to prevent such acts. The legislature finally stepped in with a provision for parental or owner accountability. Section 199A of the Motor Vehicles Act, 1988 (for brevity, 'the MV Act') was incorporated in 2019, creating a fiction of guilt on the guardian of the juvenile or the owner of the motor vehicle. Creating criminal liability on the guardian or the owner of a motor vehicle is seminal

and has contemporary social relevance.

2. All these petitions are preferred under section 482 of the Code of Criminal Procedure, 1973, ( for short 'the Cr.P.C'), challenging either the first information report or the final report filed against the guardian of the juvenile or the owner of the motor vehicle for having permitted the juvenile to drive a motor vehicle in contravention of the Act. Since the main issues involved are common, these cases are disposed of by this order.

3. To comprehend the issues involved, the facts in Crl.M.C No. 34 of 2024, which is treated as the leading case, are narrated below. According to the prosecution, on 18-03-2023, at 01.00 PM, the accused had rashly and negligently, in a manner that can endanger other persons, permitted a minor who did not have a licence, to drive the motorbike bearing registration number KL-11-AT-26, owned by him, through the Athanikkal Public Road and thereby committed the offences under section 199A of the MV Act apart from section 336 of the Indian Penal Code, 1860. The accused is the owner of the motorbike and he challenges the final report filed in C.C. No.403 of 2023 on the files of the Judicial First Class Magistrate's Court, Parappanangadi. It must be mentioned at this juncture itself that petitioner has not produced the FIR, the seizure mahazar or even the statement of witnesses in this petition challenging the final report.

4. Arguments were addressed mainly by Adv. Thareeq Anver, Adv. K.M.Firoze on behalf of Adv. P.C.Muhammed Noushiq,

Adv. K.K.Dheerendra Krishnan, Adv. K. Rakesh and Adv. Nima Meriam Koshy, on behalf of the petitioners, while all other counsel for the various petitioners, adopted the submissions of the aforenoted Counsel. On behalf of the State, Sri. K.A. Noushad, learned Public Prosecutor addressed the arguments while Smt. Sreeja V., Sri.T.R.Renjith and Sri. M.A. Ashi, learned Public Prosecutors supported the submissions.

5. According to the learned counsel for the petitioners, the offence under section 199A of the MV Act cannot be attracted without a charge having been registered against the juvenile as held in the decision in **Polachan v. State of Kerala** [Crl.M.C No. 7479/2022] and **Sameera v. State of Kerala** [2023 KHC Online 9217]. It was also submitted that, in most of the cases, the police had not registered either any First Information Report (for short 'FIR') against the juvenile or submitted a Social Background Report (for short 'SBR') before the Juvenile Justice Board (for short 'JJB') alleging that the juvenile had committed an offence under the MV Act. The learned counsel also submitted that the offence under section 199A of the MV Act will be attracted only when the JJB comes to the conclusion that an offence under the MV Act had been committed by the juvenile. According to them, since, under section 8 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the JJ Act') the JJB alone can decide whether a juvenile has committed an offence or not and without such a finding, even the FIR against the

guardian or the owner of the motor vehicle could not have been registered. The learned counsel for the petitioners further submitted that section 199A of the MV Act creates an instance of vicarious liability through a deeming fiction and without any conclusive finding regarding the commission of an offence by the minor, a proceeding against the guardian or the owner of the vehicle cannot be continued.

6. Referring to the various provisions of the JJ Act, it was submitted that a juvenile could not be proceeded against in a regular court and when a finding is to be entered into regarding the commission of an offence by the juvenile, the court cannot enter a finding without the participation of the minor in the trial and hence the proceedings are inherently without jurisdiction. The learned counsel further submitted that if the JJB enters a finding that the juvenile had not committed an offence and a contradictory view is entered into by the regular court in a proceeding against the guardian or the owner of the vehicle without even the participation of the minor in the trial, the same would lead to disastrous results and would be against the principle of natural justice as embodied in section 3(xvi) of the JJ Act. The learned Counsel also submitted that in most of the cases, neither has the SBR been filed nor has even the birth certificate of the minor produced along with the final report, rendering the same to be devoid of any material to justify the proceeding against the guardian or the owner of the vehicle. It was finally submitted that the investigation is liable

to be completed within two months as per Rule 10(6) of the Model Rules failing which the case against the minor has to be dropped.

7. On behalf of the State, it was submitted that the MV Act and the JJ Act operate in different scenarios, and the failure to initiate proceedings under the JJ Act by itself cannot render the prosecution of the guardian or the owner of the vehicle for the offence under section 199A of the MV Act as redundant. It was further submitted that even otherwise, the JJ Act classifies the offences into three categories and since the offence of driving a motor vehicle without a license falls within the category of 'petty offences', the juvenile cannot be apprehended. Instead, all that is required is to detain the child and inform the parent to accompany him, which was, in fact, done in the cases under consideration. According to the learned Prosecutor, the failure or delay to file an SBR cannot result in the quashing of the proceedings against the guardian or the owner of the motor vehicle. It was also submitted that a reading of the provisions will clearly indicate that the offence under section 199A of the MV Act can be maintained *de hors* the proceedings under the JJ Act.

8. On the basis of the above submissions, the following issues arise for consideration. (i) What is the scope of section 199A of the MV Act? (ii) Is it necessary to convict the juvenile or to have laid a charge against the said juvenile, before initiating proceedings against the guardian or owner of the motor vehicle under section 199A of the MV Act? (iii) Is there

a time limit for completing an investigation into the offences committed by the juveniles? (iv). What is the effect of the decisions in **Polachan v. State of Kerala** [Crl.M.C No. 7479/2022] and **Sameera v. State of Kerala** [2023 KHC Online 9217]? (v) Whether the reliefs as claimed for can be granted? The above issues are considered below.

**Issue No. (i)**. *What is the scope of section 199A of the MV Act?*

9. Section 199A of the MV Act was introduced by Amendment Act 32 of 2019. Since the objects of the Amendment Act is not seen mentioned, a perusal of the entire provision, as brought in by the amendment, is necessary. Hence, it is extracted as below:

> *"S.199A. (1) Where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:*
> *Provided that nothing in this sub-section shall render such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.*
> ***Explanation**.—For the purposes of this section, the Court shall presume that the use of the motor vehicle by the juvenile was with the consent of the guardian of such juvenile or the owner of the motor vehicle, as the case may be.*
> *(2) In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to three years and with a fine of twenty-five thousand rupees.*
> *(3) The provisions of sub-section (1) and sub-section (2) shall not apply to such guardian or owner if the juvenile committing the offence had been granted a learner's licence under section 8 or a driving licence and*

> *was operating a motor vehicle which such juvenile was licensed to operate.*
>
> *(4) Where an offence under this Act has been committed by a juvenile, the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months.*
>
> *(5) Where an offence under this Act has been committed by a juvenile, then, notwithstanding section 4 or section 7, such juvenile shall not be eligible to be granted a driving licence under section 9 or a learner's licence under section 8 until such juvenile has attained the age of twenty-five years.*
>
> *(6) Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice Act, 2000.*"

10. Section 199A of the MV Act creates accountability for the parent or owner of a delinquent minor vis-a-vis an offence under the Motor Vehicles Act. Driving a motor vehicle without a license is prohibited under section 3 of the MV Act while under section 4 of the MV Act, a person under the age of eighteen cannot drive a motor vehicle in any public place except a motorcycle with a capacity less than 50cc. Chapter XIII of the MV Act providing for the offences and penalties, includes Section 181, stipulating a punishment of three months imprisonment and or fine of Rs.5,000/- for driving a motor vehicle in violation of section 3 or 4 of the MV Act. Thus, if a minor drives a motor vehicle, he can be proceeded against for violating section 3 or 4 of the MV Act and punishable under section 181, proceedings of which can be pursued only before the JJB.

11. However, by the principle of parental or ownership accountability, the contribution of such parent or owner of the motor vehicle to the commission of the offence by the minor is, by a statutory fiction, treated as a criminal offence. The provision is intended to impose affirmative duties on persons responsible for the juvenile or owner of the vehicle to prevent the commission of offences by minors. The offence created is *sui generis*. The provision has been incorporated to combat crimes committed due to the contribution of the juvenile's guardian or the owner of a motor vehicle. The offence is an independent and special category of crime, penalising the person who permits or provides an opportunity for the minor to commit a crime. The incriminatory conduct, though has its genesis in the principle of vicarious liability, an independent criminal culpability is created which does not require the juvenile to be prosecuted along with the parent or owner of the motor vehicle. The criminal act or the actus reus of the parent or owner is the conduct of permitting or allowing the juvenile to have access to the motor vehicle, while the criminal intent or mens rea is the knowledge that such a juvenile cannot drive a vehicle. Thus the offence has an independent existence despite one of the ingredients of the offence being the commission of offence by the minor.

12. The minor is not the accused under section 199A of the MV Act, but it is only the parent or the owner of the vehicle who can be proceeded

against under the said provision. Since the guardian of the juvenile or the owner of a motor vehicle alone is the accused under section 199A of the MV Act, proceedings against the minor before the regular court under the said provision are not contemplated and it can continue without the junction of the minor.

**Issue No. (ii)** *Is it necessary to convict the juvenile or to have laid a charge against the said juvenile, before initiating proceedings against the guardian or owner of the motor vehicle under section 199A of the MV Act?*

13. The JJ Act treats offences committed by juveniles into three categories. They are 'heinous offences' [section 2(33)] 'serious offences' [section 2(54)], and 'petty offences' [section 2(45)]. Heinous offences are those for which the punishment is imprisonment for seven years, while serious offences are those for which the punishment provided is imprisonment for three to seven years and petty offences are those for which the punishment is upto three years. Driving a motor vehicle without a license is an offence under section 181 of the MV Act and is punishable with imprisonment upto three months and or fine of five thousand rupees. Thus the offences committed by a juvenile in driving a motor vehicle fall under the category of petty offences.

14. As per Rule 8 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (for short 'the JJ Model Rules') enacted in exercise of the powers under section 110 of the JJ Act, no FIR should be

registered against a child, except when a heinous offence is alleged to have been committed by the child or when it is committed jointly with an adult. In all other cases, the information need only be recorded in the General Diary followed by a SBR of the child in Form No.1 and the circumstances under which the child was apprehended, wherever applicable. The proviso to Rule 8 of the JJ Model Rules states that the power to apprehend a child can be exercised only when the child is alleged to have committed a heinous offence. In serious and petty offences, information need only be forwarded to the JJB and the hearing date be intimated to the parent or guardian. For the purpose of easier comprehension, Rules 8(1) and 8(7) of the JJ Model Rules are extracted below:

> *"**Rule 8. Pre-Production action of Police and other Agencies**.-(1) No First Information Report shall be registered except where a heinous offence is alleged to have been committed by the child, or when such offence is alleged to have been committed jointly with adults. In all other matters, the Special Juvenile Police Unit or the Child Welfare Police Officer shall record the information regarding the offence alleged to have been committed by the child in the general daily diary followed by a social background report of the child in Form 1 and circumstances under which the child was apprehended, wherever applicable, and forward it to the Board before the first hearing:*
>
> *Provided that the power to apprehend shall only be exercised with regard to heinous offences, unless it is in the best interest of the child. For all other cases involving petty and serious offences and cases where apprehending the child is not necessary in the interest of the child, the police or Special Juvenile Police Unit or Child Welfare Police Officer shall*

> *forward the information regarding the nature of offence alleged to be committed by the child along with his social background report in Form 1 to the Board and intimate the parents or guardian of the child as to when the child is to be produced for hearing before the Board.*
> *(7) When the child is released in a case where apprehending of the child is not warranted, the parents or guardians or a fit person in whose custody the child alleged to be in conflict with law is placed in the best interest of the child, shall furnish an undertaking on a non-judicial paper in Form 2 to ensure their presence on the dates during inquiry or proceedings before the Board.*"

15. Rule 10(6) of the JJ Model Rules provides that as far as serious and petty offences are concerned, the final report shall be filed within two months. Rule 10(6) of the JJ Model Rules is extracted below:

> *"**Rule 10(6)**. In cases of petty or serious offences, the final report shall be filed before the Board at the earliest and in any case not beyond the period of two months from the date of information to the police, except in those cases where it was not reasonably known that the person involved in the offence was a child, in which case extension of time may be granted by the Board for filing the final report."*

16. Nevertheless, under section 14 of the JJ Act, when a child alleged to be in conflict with the law is produced before the JJB, an inquiry has to be conducted, and orders under section 17 or section 18 of the JJ Act ought to be issued within a period of four months or by a further extended period of two months. As per section 14(4) of the JJ Act, where the allegation relates to petty offences, if the inquiry by the JJB is not completed even after the extended period, the proceedings shall stand terminated. Section 14(5)(d) of JJ Act states that the petty offences shall be disposed of by the JJB through summary proceedings as per the

procedure prescribed under the Cr.P.C. Thus two different time lines are provided by the JJ Act and the Model Rules in respect of petty offences - (i) a period of two months for filing final report and (ii) a period of four months extendable to six months for completing the inquiry by JJB.

17. In the decision in **Barun Chandra Thakur v. Master Bholu and Another** (2022 SCC Online SC 870), it was observed that the timelines prescribed under the JJ Act have a rationale which is intended to ensure that a child is not subjected to unnecessarily long and lengthy processes of trials and the matter is taken to its logical conclusion at the earliest. In a recent decision of the Supreme Court in **Child in Conflict with Law through his Mother v. The State of Karnataka and Another** (2024 LiveLaw (SC) 353), it was held that there is no deadline for the inquiry under section 14(1) for heinous offences.

18. The aforesaid principle, however, cannot be applied to petty offences, as under section 14(4) of the JJ Act, if the inquiry regarding a petty offence committed by a juvenile is not completed within the time limit prescribed therein, the proceedings will stand terminated. On a perusal of the provisions of section 14 of the JJ Act, it is evident that, as far as petty offences are concerned, a time limit has been provided and its consequences also delineated, thereby rendering the time limit in section 14(4) of JJ Act as mandatory. The time limit in section 14(4) of the JJ Act will apply only after the inquiry against the child commences. In petty

offences, the inquiry commences only after the final report is filed, as the juvenile need not be produced or appear before the JJB till then.

19. On a harmonious reading of the provisions of section 14(4) of JJ Act and Rules 8 and 10 of the JJ Model Rules extracted in the preceding paragraphs, it is evident that no FIR can be registered against a child for the commission of a petty offence. Proceedings for a petty offence against a juvenile are initiated by recording the information relating to the offence in the General Diary. This has to be followed by a Social Background Report of the child to be forwarded to the JJB, and intimation of the hearing date. Since the SBR contemplates various information and materials to be collected, it will require time and utilization of resources of the police. Obviously it will not be possible to be collected when the information about the crime is entered in the General Diary. The date of hearing by the JJB also cannot be provided on the date the intimation is forwarded to the JJB. Thus, SBR need only be submitted along with the final report and only thereafter can the date of hearing be intimated by the JJB. Once information regarding the commission of a petty offence by a juvenile is entered in the General Diary, a juvenile can be said to have committed an offence for the purpose of section 199A of the MV Act.

20. Nonetheless, after the filing of the final report, the inquiry by the Board under section 17 or 18 of the JJ Act will have to be completed within four months or a further extended period of two months, failing which, the

proceedings against the juvenile will stand terminated as per section 14(4) of the JJ Act. Once the proceeding against the juvenile is terminated as inconclusive, the corollary is that the juvenile cannot be said to have committed an offence. Naturally, in such circumstances, the proceedings against the guardian or the owner of the vehicle also will have to be brought to an end by a process of law available. On the contrary, if the proceeding against the juvenile ends in an order under section 18 of the JJ Act finding that the juvenile has committed the offence alleged against him, the said finding can be used against the guardian or the owner in the proceeding under section 199A of the MV Act.

**Issue No. (iii).** Is there a time limit for completing an investigation into the offences committed by the juveniles?

21. In Rule 10(6) of the Model Rules it is specified that in cases of petty or serious offences, the final report shall be filed before the Board at the earliest and in any case not beyond the period of two months from the date of information to the police. Interpreting the said provision, the High Court of Himachal Pradesh had in **State of H.P v. Ankit Kumar** MANU/H.P/2588/2019 and in **State of Himachal Pradesh v. Monu** MANU/HP/2609/2019 held that the words 'not beyond two months" indicate that the provision is mandatory and has to be scrupulously adhered to. However, with respect, I am unable to subscribe to the said view.

22. Though Rule 10(6) of the Model Rules stipulates that the final report shall be filed at the earliest and not beyond two months, there is nothing provided either in the JJ Act or in the Model Rules about the consequence of failure to file the final report within the time limit. An investigation into a criminal offence cannot be scuttled on the basis of a delayed investigation unless the delay is so substantial that it interferes with the right of the accused to a fair trial or when the statute prescribes explicitly such a consequence. Though there is an implicit right for speedy investigation flowing out of Article 21 of the Constitution of India, it is not feasible to prescribe a mandatory outer time limit for investigation, unless the statute expressly provides for it. The time limit for an investigation depends on various external factors and cannot be put into a straitjacket. Neither the Act nor the Rules provide any consequences for failure to file the final report within two months unlike section 14(3) of the JJ Act. Further, the provision falls within the procedural law and even if the Rule is couched in a negative language, it cannot be interpreted to be mandatory. The decision in **New India Assurance Co. Ltd. v. Hilli Multipurpose Cold Storage Pvt. Ltd**. (2020) 5 SCC 757 relied on by the counsel for the petitioners, dealt with the provisions of the Consumer Protection Act and the said principle cannot be adopted to interpret a penal statute. Thus though the final report has to be filed within two months, in the absence of any stipulation either in the Rules or in the Act regarding the

consequences of non-filing of such a final report within the time limit, the word 'shall' in Rule 10(6) of the JJ Model Rules will have to be read as directory.

**Issue No. (iv)**. *What is the effect of the decisions in* ***Polachan v. State of Kerala*** *[Crl.M.C No. 7479/2022] and* ***Sameera v. State of Kerala*** *[2023 KHC Online 9217]?*

23. In the decision in **Polachan V. State of Kerala** [Crl.M.C No. 7479/2022], a learned Single Judge of this Court had observed that "in the absence of any charge against the juvenile for the commission of an offence under the Motor Vehicles Act, no offence under section 199A against the guardian of such juvenile would get attracted. The said decision has been followed in **Sameera v. State of Kerala** [2023 KHC Online 9217] as well as in **Khairunnisa v. State of Kerala** [2023 SCC Online Ker. 4265]. Although the commission of an offence under the MV Act by the juvenile is an essential ingredient to attract the offence under section 199A of the MV Act, the JJ Act does not contemplate any charge to be framed against a juvenile for petty offences. This aspect was not brought to the notice of the Court in the above decisions. The observation in the above-referred decisions that no offence under section 199A of MV Act would be attracted without a charge against the juvenile was rendered without considering the JJ Act. As per the said statute, an entry in the General Diary indicates the commencement of proceedings against the

juvenile and that alone is sufficient to initiate prosecution proceedings against the guardian of the juvenile or owner of the motor vehicle, as the case may be. With utmost respect, it has to be observed that decisions in **Polachan** (supra), **Sameera** (supra) and **Khairunnisa** (supra) have been rendered without taking note of the provisions of the JJ Act and are hence *per incuriam*.

**Issue No.(v).** *Whether the reliefs claimed can be granted*?

24. All these cases have been filed based on the decisions in **Polachan** (supra) and **Sameera** (supra). Since the absence of a charge does not vitiate the proceedings against the guardian of a juvenile or the owner of the motor vehicle, as the case may be, all these petitions under section 482 Cr.P.C are without any merit. Further, documents are required to be sifted to identify whether the offences alleged are made out or not. The entire set of documents has also not been produced in any of the cases. Except in Crl.M.C No.1092/2024, neither the statement of witnesses nor the seizure mahazar have been produced. In the aforesaid case, the statements of only two of the witnesses and the seizure mahazar have been produced which is also insufficient. Even otherwise, while exercising the power under section 482, it is not possible for this Court to sift through the materials or to weigh the materials and then come to a conclusion one way or the other. Further, it is not justifiable for this Court to embark upon an inquiry as to the reliability or otherwise of the allegations

made in the final report and a finding on the veracity of the material relied on by the prosecution is not a consideration for this Court while exercising the power under S.482 Cr.P.C. Reference to the decisions in **Mahendra K.C. v. State of Karnataka and Another** (2022) 2 SCC 129 **and State of Kerala and Others v. O.C. Kuttan and Others** (1999) 2 SCC 651) are relevant in this context.

25. However, the question whether the proceedings against the minor in each individual case have been terminated or not, or have been concluded is left open to be raised before the appropriate court in accordance with the procedure prescribed for trial of warrant cases. Since the offence under section 199A is to be tried as a warrant case, the accused do have the liberty to approach the court with an appropriate application for discharge, if the circumstances entitle them to do so.

26. Though in some of the cases, section 336 IPC is also alleged to have been committed, none of the counsel had raised any arguments, despite pleadings. The question of whether the conduct alleged would attract the offence under section 336 IPC, is a matter which depends on the nature of evidence to be adduced and hence falls within the realm of disputed facts. Such disputed facts cannot be considered under section 482 Cr.P.C. Therefore, interference against the inclusion of the offence under section 336 IPC is also not warranted at this stage. Of course, the petitioners are at liberty to take up such a contention also, if any

application for discharge is filed as observed in the preceding paragraph.

**Conclusion.**

27. Since the issues raised in these petitions are seminal in nature, the following propositions are culled out from the above discussion for appropriate guidance and action by all authorities.

(i). The offence under section 199A of the MV Act is *sui generis* and is an independent offence.

(ii). The commission of an offence under the MV Act by the juvenile is an essential ingredient of section 199A of the MV Act, however, a finding regarding the commission of an offence under the MV Act by the juvenile as per section 17 or 18 of the JJ Act, is not a *sine qua non* for initiating proceedings against the guardian or owner of the motor vehicle under the said section.

(iii). Proceedings against the guardian of a juvenile or owner of a motor vehicle under section 199A of the MV Act can be initiated if information regarding the commission of an offence by the juvenile has been recorded in the General Diary. The recording of information in the General Diary has to be followed by the submission of a Social Background Report of the child in Form No.1 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, without undue delay and at any rate, atleast along with the final report.

(iv). The final report in relation to the offence allegedly committed by

the juvenile ought to be submitted before the Juvenile Justice Board at the earliest, preferably within two months of recording the information in the General Diary. The period of two months mentioned in Rule 10(6) of the Model Rules is only a directory provision and is not mandatory.

(v). As the JJ Act does not contemplate any charge to be framed against a juvenile for a petty offence, the decisions in **Polachan V. State of Kerala** [Crl.M.C No. 7479/2022] **Sameera v. State of Kerala** [2023 KHC Online 9217] as well as in **Khairunnisa v. State of Kerala** [2023 SCC Online Ker. 4265] are per incuriam.

(vi). The inquiry against the juvenile before the Juvenile Justice Board shall be conducted according to the procedure prescribed for the trial of petty offences under the Cr.P.C.

(vii). The inquiry against the juvenile for driving a motor vehicle without a license if any alleged, must be completed by the Juvenile Justice Board within four months of the date fixed for hearing after filing the final report or if any extension is granted for two months further, within the said extended period. As section 14(4) of the JJ Act is a mandatory provision, if the inquiry proceeding against the juvenile is not completed before the JJB within the period mentioned therein, the proceeding against the minor will become statutorily terminated under section 14(4) of the JJ Act.

(viii). If the inquiry proceeding against the minor is terminated under section 14(4) of the JJ Act, or if the JJB comes to the conclusion under

section 17 of the JJ Act that the juvenile has not committed the offence, the proceedings against the guardian or owner under section 199A of the MV Act cannot continue thereafter and the accused will have to be acquitted or discharged, as the case may be.

Thus, all these criminal miscellaneous cases are dismissed, reserving the petitioners' liberty to initiate appropriate action as required based on the principles laid down herein.

**Sd/-**

**BECHU KURIAN THOMAS**
**JUDGE**

vps