

GAHC040002682023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : BA 23/2023

1:Nyagi Ninu
Son of Sri Pornya Ninu, aged about 47 years, resident of Tumbin Village, P.O and P.S.
Kayang, Siang District, Arunachal Pradesh.
Mobile No. 8787630806

VERSUS

1:THE STATE OF AP
Represented by the Public Prosecutor.

Advocate for the Petitioner : G Taloh

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27.02.2023

Heard Mr. G. Taloh, learned counsel for the petitioner. Also heard Mr. J. Tsering, learned Public Prosecutor for the State of Arunachal Pradesh.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, *read with* Section 12 of JJ Act, 2015, praying for grant of bail to

the accused- Shri Gumin Ninu, who has been languishing in jail hajat in connection with Kaying P.S. Case No. 01/2023, under Sections 376(2)(f)/34 of the Indian Penal Code *read with* Section 8 of the POCSO Act.

It is submitted by the learned counsel for the petitioner, Mr. G. Taloh, that the child in conflict in law was granted interim bail on 22.02.2023 by the learned Principal Magistrate, Juvenile Justice Board, Siang. But, on account of the learned Magistrate being on leave, he surrendered before the Juvenile Observation Home, Pasighat, and thereafter, without being a forum for bail, the applicant has filed the present bail application. Further it is submitted by the learned counsel for the petitioner that at present, the learned Principal Magistrate, Juvenile Justice Board, Siang, is on leave and one Extra Assistant Commissioner has been entrusted for the Juvenile Justice Board and accordingly, on 24.02.2023, one application was about to move before the Extra Assistant Commissioner, who is In-Charge of Principal Magistrate, Juvenile Justice Board, Siang, but due to some administrative work, he was not sitting in the Board and for which, the said application could not be moved and hence the present application has been filed before this Court for consideration of his bail.

In this context, the learned Public Prosecutor, Mr. J. Tsering, has submitted that as per the Juvenile Justice Act, any matter relating to the bail applications or other proceedings etc. has to be exclusively filed before the Principal Magistrate or the Juvenile Justice Board and Section 12 of the said Act also speaks that except in the case of appeal or revision, the High Court or other forum has no authority to deal with any issues regarding bail etc. for any child in conflict in law as this Act is very specific in that regard.

After hearing the submissions of learned counsels of both sides and also considering the entire aspects of the case, it is found that this Court has no jurisdiction to pass any order on bail for the said child in conflict in law. However, considering the submission of learned counsel for the petitioner, I hereby direct the Juvenile Justice Board, Siang, to consider and dispose of the bail application or any other application, if so filed before the said Board, within 2-3 days without any further delay.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant