

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.356 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- SITAMARHI

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1. Sri Tej Narayan Singh Son of Late Janak Singh, Resident of Village - Dumara,
P.S. - Belsand, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. Dipak Kumar Singh, Son of Sri Laxmeshwar Singh, Resident of Village -
Dumara, P.s. - Belsand, District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. K. Shahi

For the Respondent/s : Mrs. Shahin Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-08-2016

The petitioner of the present case is aggrieved by order dated 5.12.2014 passed in Criminal Appeal No. 17 of 2014 by the learned Sessions Judge, Sitamarhi whereby he has rejected the appeal preferred under section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereafter called the Act of 2000) against the order dated 19.11.2013 passed by the Juvenile Justice Board, Sitamarhi.

2. Opposite Party No. 2 Dipak Kumar Singh was made an accused in connection with Belsand P. S. Case No. 6 of 1996 registered, inter alia, under section 307 and other allied sections of the Indian Penal Code. He took a plea of juvenility before the Juvenile

Justice Board, Sitamarhi and by order dated 2.11.2012 the Juvenile Justice Board, Sitamarhi declared him juvenile in conflict with law.

3. Being aggrieved by the aforesaid order dated 2.11.2012 the petitioner filed an application on 15.04.2013 before the Juvenile Justice Board, Sitamarhi itself stating therein that by playing fraud upon the court, opposite party no. 2 Deepak Kumar Singh had obtained the order dated 02.11.2012 in his favour. The Juvenile Justice Board after hearing the petitioner rejected the application dated 15.04.2013 vide order dated 19.11.2013. The operative portion of the order dated 19.11.2013 reads as under :

“Since JCL Deepak has already been declared a juvenile by the Juvenile Justice Board vide order dated 02.11.2012, hence any subsequent proof cannot be allowed to produce to repudiate the order of the competent authority, in this case, the Board.

So far as the informant contention that the JCL got selected as a panchayat teacher on the basis of fraudulent date of birth is concerned, no evidence whatsoever produced in this regard by the informant, besides this board is not a proper forum to raise such matters.

In backdrop of aforesaid discussion and in the light of mandate of section 49 of the Act, I don't find any legal merit in the informant petition dated 15.04.2013 and it is hereby rejected.”

4. The petitioner challenged the aforesaid order dated 19.11.2013 before this Court by filing a revision application under section 53 of the Act of 2000. This Court vide order dated



11.04.2014 passed in Criminal Revision No. 257 of 2014 disposed of the revision application holding the same to be not maintainable in view of the remedy available to the petitioner to question the impugned order before the court of Session by filing appeal. Thereafter, the petitioner filed an appeal in the court of the learned Sessions Judge, Sitamarhi vide Criminal Appeal No. 17 of 2014 challenging the aforesaid order dated 19.11.2013 passed by the Juvenile Justice Board, Sitamarhi. After hearing the petitioner and perusing the report, the appellate court dismissed the appeal vide impugned order dated 5.12.2014. Therefore, the present revision application has once again been filed by the petitioner before this Court under section 53 of the Act of 2000.

5. It is submitted by the learned counsel for the petitioner that the plea of juvenility taken by opposite party no. 2 Deepak Kumar Singh was wrongly allowed by the Juvenile Justice Board vide its order dated 02.11.2012. It is pertinent to note here that the aforesaid order dated 02.11.2012 was never ever challenged by the petitioner either before the appellate court or before this Court in revision application under section 53 of the Act of 2000. Challenge of the petitioner was confined to the order dated 19.11.2013 passed by the Juvenile Justice Board whereby the Board had refused to review its own order which was passed on 02.11.2012.

6. In that view of the matter effectively, by way of revision, the petitioner is trying to challenge the order which was passed as back as on 02.11.2012. Be it noted here that there is limitation prescribed for filing an appeal under the Act. It is true that the revisional power granted to this Court does not prescribe any time limit but the same would not mean that any order passed by any court in respect of juvenile in conflict with law, can be challenged before this Court at any point of time. Even otherwise, I find from the record of the case that opposite party no. 2 Deepak Kumar Singh was declared a juvenile in conflict with law on the basis of the matriculation certificate produced by him before the Juvenile Justice Board and the authenticity of the entries regarding date of birth of the petitioner in the matriculation certificate has not been challenged either before the Juvenile Justice Board or before the appellate court by the petitioner of the present case.

7. In that view of the matter, I find no merit in this revision application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Amin/-

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