

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1558 of 2017

Arising Out of PS. Case No.-159 Year-1983 Thana- GORAUL District- Vaishali

Umesh Malah @ Umesh Kumar Sahani S/o Sri Ramchandra Shani R/o Vill -
Rasulpur Daud, P.O. - Salempur Dumariya, P.S. - Goraul, District - Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Home Department,
Bihar , Patna
2. The Superintendent of Police, Vaishali at Hajipur.
3. Pratap Rai S/o Late Godhan Rai R/o Vill Rasulpur Daud, P.O. - Salempur
Dumariya, P.S. Goraul, District - Vaishali.

... .. Respondents

Appearance :

For the Petitioner : Mr.Rajeev Kumar Singh, Advocate
For the Respondent-State: Mr.Md. Nadeem Seraj GP-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 15-05-2019 Heard Mr. Rajeev Kumar Singh, learned counsel for

the petitioner and learned Assistant Counsel to GP-5 for the

State.

This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for
quashing the order dated 25.05.2017 passed by learned
Additional Sessions Judge-III, Vaishali at Hajipur in Session
Trial No. 39 of 1990 whereby he has rejected the claim of
juvenility of the petitioner.

Section 102 of the Juvenile Justice (Care and
Protection of Children) Act, 2015 provides that the High Court



may, at any time, either on its own motion or on application received in this behalf, call for the record of any proceeding in which any Committee or Board or Children's Court, or Court has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit.

In view of statutory remedy being available to the petitioner under the aforesaid provision of Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, I am not inclined to entertain this application in extra-ordinary jurisdiction under Article 226 of the Constitution of India.

The application is disposed of with liberty to the petitioner to assail the impugned order by way of filing revision in accordance with law.

(Ashwani Kumar Singh, J)

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