

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1222 of 2018

Arising Out of PS. Case No.-122 Year-2016 Thana- DHAMDAHA District- Purnia

Shailendra Mehtar Son of Manoj Mehtar Resident of Village-
Dhamdaha, Madhya Hat, Ward No.02, P.S. Dhamdaha, Distt.-Purnea "Bihar"

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha
For the Respondent/s : Mr. Sri Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This revision petition has been filed by the petitioner for setting aside the order dated 16.08.2018 passed by the court of Juvenile Justice Board, Purnea in G.R. No. 21631/16 arising out of Dhamdaha P.S. Case No. 122/16 by which the learned Juvenile Justice Board, Purnea has convicted petitioner under Section 376/511 IPC and sentenced him to undergo six months of his reformation at special home of the jail at Gaighat, Patna setting of three months and nine days the period which has already spent by juvenile petitioner in the observation home. A preliminary objection has been raised on behalf of learned counsel for the State that without availing the remedy of appeal as provided under the Juvenile Justice Act before the Session



Court petitioner has directly moved High Court in its revisional jurisdiction, as such, revision without availing the statutory remedy of appeal is not maintainable.

After hearing both the parties, this Court also find that there is remedy of appeal available to the petitioner and without exhausting said remedy he has moved this High Court under revisional jurisdiction and as such he should first avail remedy of appeal provided under the Act. Accordingly this petitioner is disposed of with a direction to the petitioner to avail the remedy of appeal as provided under the Act and if any such appeal is filed before the appellate court, the appellate court shall condone the delay in filing the appeal as petitioner had filed present criminal revision in the High Court and shall decide the appeal of petitioner on merit.

With such observation and liberty, the criminal revision petition is disposed of.

(S. Kumar, J)

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