

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.25 of 2020

Arising Out of PS. Case No.-233 Year-2018 Thana- BHAGWANPUR District- Begusarai

Sachin Kumar Son of Saryug Mahto Resident of Village - Banauli, P.S.- Bhagwanpur, Distt.- Begusarai, Under the Guardianship of His maternal Uncle namely Ramprit Mahto, Aged about 47 Years, Male Son of Ramtahal Mahto, Resident of Village - Rampur Hat, Ward No.14, P.S.- Cheriya Bariyarpur, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv.
For the Respondent/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 24-09-2020

The instant revision application under Section 102 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (for short “Act of 2015”) has been filed by the petitioner challenging the order dated 22.11.2019 passed by the learned Sessions Judge, Begusarai in Cr. Appeal No. 128 of 2019 whereby he has rejected the appeal preferred under Section 101 of the Act of 2015 and upheld the order dated 18.09.2019 passed by the Juvenile Justice Board, Begusarai in Bhagwanpur P.S. Case No. 233 of 2018.

2. Vide order dated 18.09.2018, the Juvenile Justice Board, Begusarai had rejected the application for bail of the appellant. The said case was registered under Section 302/34 of the Indian Penal Code.



3. Clause (1) of Section 101 of the Act of 2015 provides that subject to the provisions of the Act any person aggrieved by an order of the Board may prefer an appeal before the Children's Court within thirty days from the date of such order. This right to appeal is vested with the child in conflict with law and the State under the aforesaid provision.

4. Apparently, the appeal preferred before the learned Sessions Judge was not maintainable before him. It ought to have been filed by the appellant before the Children's Court, i.e. the court of Additional Sessions Judge-I. Thus, the order passed by the learned Sessions Judge, Begusarai is without jurisdiction.

5. In that view of the matter, the impugned order dated 22.11.2019 passed by the learned Sessions Judge, Begusarai in Cr. Appeal No. 128 of 2019 cannot be sustained.

6. Accordingly, the same is set aside.

7. However, the appellant would be at liberty to file an appeal in accordance with law before the Children's Court (Court of Additional Sessions Judge-I), Begusarai.

8. In case, such an appeal is filed within 30 days from today, the same should be entertained on merits. The Children's Court shall not raise any objection with regard to limitation in filing the appeal. It shall also not be prejudiced in any manner by



the impugned order dated 22.11.2019 passed by the learned Sessions Judge, Begusarai.

9. With the aforesaid observations and direction, the revision application stands allowed.

9. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present judgment:-

- (i) The judgment, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the judgment shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the judgment passed by this Court in the present proceeding.
- (iii) Hard copy of the judgment duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the judgment be sent to Mr. Ram Sumiran Rai, learned counsel for the petitioner also on his email.



(v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present judgment without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

