Court No. - 7
Case :- HABEAS CORPUS WRIT PETITION No. - 631 of 2020
Petitioner :- Mangal Singh And Another
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Dinesh Kumar Shukla,Prem Sagar Verma
Counsel for Respondent :- G.A.

Hon'ble Pritinker Diwaker,J.
Hon'ble Pradeep Kumar Srivastava,J.

Heard learned counsel for the petitioners and Sri J.K. Upadhyay, learned AGA for the State-respondents.

Counsel for the petitioners fairly submits that order impugned dated 14.12.2019 passed by the Child Welfare Committee is an appealable order and under Section 101 of the of Juvenile Justice (Care and Protection of Children) Act, 2015, appeal lies to Children's Court. He further submits that as the petitioners were prosecuting this petition, appeal may not be entertained by the appellate authority being time barred and therefore, the appellate authority be directed to decide the appeal on merits, ignoring the point of limitation.

State counsel on the other hand submits that discretion be given to the appellate authority to decide the appeal after considering all the aspects of the case.

The petition is disposed of permitting the petitioners to file an appeal against the impugned order and in case, the said appeal is filed within two weeks from today, the appellate authority shall decide the same within further three weeks, ignoring the point of limitation.

It is made clear that we have observed nothing on the merits of the case and the appellate authority to decide the appeal in accordance with law.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by the petitioners alongwith a self attested identity proof of the said person (s) (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 25.11.2020
RK