

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 759 of 2020

Ramshwaroop Ravte, S/o Bihari Das Ravte, Aged About 16 Years, R/o through natural guardian father Shri Bihari Das Ravte, Aged About 45 Years, R/o Village- Kahgaon, Thana/Tahsil- Manpur, District- Rajnandgaon (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through Thana- Manpur, District- Rajnandgaon (C.G.)

--- Respondent

For Applicant : Mr. Samir Singh, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06/01/2021

1. Challenge in this revision petition is to the order dated 20.11.2020, passed by learned Additional Sessions Judge (F.T.C.), Rajnandgaon (C.G.) in Criminal Appeal No. 29/2020, whereby the appeal preferred by the applicant under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has been dismissed on the ground of limitation.
2. It is submitted by learned counsel for the applicant that the applicant had challenged the order dated 08.01.2020 passed by the Juvenile Justice Board, Rajnandgaon (C.G.) in the appeal, which was filed on 31.10.2020 along with application to condone

the delay in filing the appeal under Section 5 of the Limitation Act. The delay in filing the appeal was not condoned and the whole petition has been dismissed.

3. It is further submitted by learned counsel for the applicant that the Hon'ble Supreme Court has in Suo Motu Writ Petition (Civil) No. 03/2020, passed the order on 23.03.2020 that period of limitation in such proceeding irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March, 2020 till further order/s to be passed by that Court in same proceeding.
4. It is submitted that subsequent to the order dated 06.05.2020, which has been passed by the Supreme Court in the same proceeding by limiting the extension of limitation does not apply to this case as that order was passed in specific for cases under the Arbitration and Conciliation Act, 1996 and for the cases under Section 138 of the Negotiable Instrument Act, 1881, therefore, the order dated 23.03.2020 is still in force, hence, there is no requirement to file any application for condonation of delay.
5. Learned State counsel opposes the submissions.
6. Considered on the submissions. The order dated 06.05.2020 has been passed limiting the time period with respect to the interlocutory applications seeking directions for cases under Arbitration and Conciliation Act, 1996 and under Section 138 of

the Negotiable Instrument Act, 1881. There appears to be no other orders passed by the Supreme Court making any modification in the order dated 23.03.2020 passed in the same petition with respect to other proceedings.

7. In view of the judgment passed by the Supreme Court on 23.03.2020 in Suo Motu Writ Petition (Civil) No. 03/2020, the order that has been passed, is not sustainable. Therefore, this revision petition is disposed of at motion stage itself. The impugned order is set aside and the appeal is restored.
8. The learned Additional Sessions Judge (F.T.C.), Rajnandgaon (C.G.) is directed to consider on the appeal filed by the applicant and decide the same in accordance with law within a period of one month from the date of this order.
9. Accordingly, the instant revision petition stands disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge