

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-906-2021

Date of decision : 18.11.2021

Ruksad

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Saurav Bhatia, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Kamal Deep Sehra, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a criminal revision petition filed against the order dated 29.04.2020 passed by the Additional Sessions Judge, Nuh, dismissing an application under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (in short 'the Act') for regular bail to the petitioner.

At the very outset, learned counsel for the complainant has submitted that in fact in the present case, the present revision petition is not maintainable and only an appeal under Section 101(5) of the Act can be filed. It is further submitted that as per sub section (5) of 101 of the Act, any person aggrieved by an order of Children's Court has a right to file an appeal before the High Court and further reference has been made to sub section 20 of Section 2 of the Act, which is reproduced hereinbelow:-

“(20) “Children's Court” means a court established under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (32 of 2012), wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act.”

It is submitted that the impugned order has been passed keeping in view the said provision and thus only an appeal would lie under Section 101(5) of the Act and once there is specific provision of appeal then the residual provision of criminal revision would not apply.

Learned counsel for the petitioner, in view of the objection taken by learned counsel for the complainant, submits that the petitioner be permitted to withdraw the present petition with liberty to file an appeal under Section 101(5) of the Act.

In view of the said statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn, with liberty aforesaid.

(VIKAS BAHL)
JUDGE

November 18, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No