

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.4 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- MAHILA P.S. District- Vaishali

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Krishna Kumar, Son Of Shiv Narayan Ray @ Ghantu, Resident of Village-
Harauli, P.S.- Hajipur Sadar, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nityanand, Adv.

For the Respondent/s : Mr.Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-06-2022 Learned counsel for the petitioner undertakes to re-

move all the defects as pointed out by the Stamp Reporter

within four weeks after start of normal functioning of the Court.

Petitioner is aggrieved by and dissatisfied with the or-
der dated 16.09.2020 passed by the learned Sessions Judge,
Vaishali at Hajipur in Cr. Appeal No.18 of 2020 by which the
learned Sessions Judge has refused to entertain the appeal pre-
ferred by the present petitioner in terms of Section 101 of the
Juvenile Justice (Care and Protection of Children) Act, 2015
(hereinafter referred to as the 'Act of 2015') by declaring that
Section 101(3)(b) of the Act of 2015 does not provide an appeal
against the impugned order.

Learned counsel for the petitioner has shown to this
Court that in the impugned order even the provision of Section



101 has been wrongly quoted. Learned counsel submits that Section 101 of the Act of 2015 clearly provides under sub-section(1) that “ Subject to the provisions of this Act, any person aggrieved by an order made by the Committee or the Board under this Act may, within thirty days from the date of such order, prefer an appeal to the Children’s Court, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate:

Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall be decided within a period of thirty days.”

Mr. Amitesh Kumar, learned APP for the State is present and on the face of the specific provision contained in sub-section (1) of Section 101 of the Act of 2015, learned APP submits that a mistake seems to have been committed in the impugned order by quoting a wrong provision which is not there.

In view of the submissions noted hereinabove and on finding that the learned Sessions Judge has wrongly quoted Section 101(3)(b) in the impugned order and on that solitary ground



the appeal has been rejected, this Court sets aside the impugned order passed by the learned Sessions Judge, Vaishali at Hajipur in Cr.Appeal No.18 of 2020 and directs the learned Sessions Judge, Vaishali at Hajipur to hear the appeal on its own merit and dispose it of within a period of three months from the date of receipt/production of a copy of this order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

