

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.1022 of 2018**

Arising Out of PS. Case No.-87 Year-2010 Thana- BODHGAYA District- Gaya

Littu @ Anuj Yadav @ Littu Yadav @ Anuj Kumar son of Govind Yadav,
resident of Village- Amba, Police Station- Bodh Gaya, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Respondent/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 12-08-2022 Heard learned counsel for the petitioner and Md.
Fahimuddin, learned A.P.P. for the State.

This revision application has been preferred for setting aside the order dated 12.05.2010 passed by the learned Sessions Judge, Gaya in S.T. No. 297/2010 arising out of Bodh Gaya P.S. Case No. 87/2010 instituted under Section 376(2)(g), 379/34 and 411 of the Indian Penal Code.

Apparently the revision application has been preferred after eight years of passing of the impugned order.

An application under Section 5 of the Limitation Act has been filed seeking condonation of delay in filing of the revision application. A perusal thereof would show that the petitioner has faced the trial and after having been found guilty for the offences charged, he has been sentenced to undergo life



imprisonment. His plea is that after he earned some money by doing work inside the jail then he requested his father to come forward in his rescue as he has earned some money which may be used for filing of the present revision application. On the request of the petitioner, his father came forward and started taking initiative by consulting the Lawyers, then, upon suggestion of the Lawyer the present revision application could be filed after delay of more than eight years.

Learned counsel for the petitioner has submitted before this Court that the petitioner was unable to challenge the impugned order in want of sufficient money.

Learned counsel for the petitioner submits that under Section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000, the plea of juvenility may be raised before any court and it shall be recognized at any stage, even after final disposal of the case. It is, thus, his submission that his plea of juvenility still survives.

Learned A.P.P. for the State submits that there is huge delay of more than eight years and the reasons sought to be canvassed in the limitation petition not being cogent reasons are not fit to be accepted.

It is further submitted that the revision application is



highly belated and the kind of reasons provided in the limitation petition does not inspire confidence.

Having heard learned counsel for the petitioner and learned A.P.P. for the State as also on perusal of the records, this Court finds that the impugned order in this case was passed as back as on 12.05.2010. The certified copy of the impugned order which is enclosed with the revision application would show that only one day after passing of the order a requisition for certified copy was filed in the learned court below on behalf of the petitioner. The certified copy was delivered to the petitioner on 27.05.2010.

On the face of the aforementioned facts appearing from the endorsement made on the certified copy of the impugned order, it is crystal clear that after more than eight years an attempt has only been made to file this revision application on complete misstatement of facts in paragraph '6' of the limitation petition. Despite having obtained the certified copy of the impugned order, if the petitioner did not challenge the same, it cannot be believed that after spending few years in jail after his conviction and after earning some money he would request his father to come for his rescue. These are completely vague kind of statements having no sanctity and do not provide



sufficient muchless any cogent ground to condone the huge delay of more than eight years.

The submission of learned counsel for the petitioner that the plea of juvenility may be raised at any stage is a misplaced submission in the facts of the present case. This Court is fully conscious of the settled proposition of law that the plea of juvenility may be raised at any stage but in the name of raising such plea, the court cannot allow the petitioner at this belated stage to challenge an order rejecting his plea of juvenility more than eight years back.

In the given facts and circumstances, this Court finds no reason to condone the delay. The limitation petition is, thus, dismissed. As a consequence thereof, the revision application stands dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

