

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1219 of 2005

Bisikeshan Chhatra & others* *Petitioners

-versus-

State of Orissa* *Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
03.03.2022

Order
No.

09. 1. This matter is taken up through Hybrid mode.
2. The Petitioners in this Criminal Misc. Case have challenged the order of the Principal Magistrate, Juvenile Justice Board holding them not to be the child in conflict with law i.e. juvenile then on a plea of juvenility taken by them going through the evidence during the course of such inquiry inasmuch as when the learned Sessions Judge while in seisin over the matter had already made an inquiry holding them to be the child in conflict with law sent the case to the Principal Magistrate, Juvenile Justice Board, the Principal Magistrate therefore could not have held so.
3. Heard the learned counsel for the Parties.
4. Needless to say that if the Petitioners at all aggrieved by the said order of the Juvenile Justice Board, they could have

challenged the same in an appeal before the Sessions Judge against the said order impugned in this Criminal Misc. Case but the Petitioners without approaching the Sessions Judge having approached this Court in a Criminal Misc. Case, I am not inclined to entertain the same. Hence, liberty is given to the Petitioners to file an appeal before the Sessions Judge against the impugned order, if the case has not been sent to the Sessions Judge for trial of the Petitioners by the Juvenile Justice Board as adult. However, in the meanwhile if the case has already been placed before the Sessions Judge for trial and the Petitioners are not satisfied with the said order, the Petitioners can also take such plea of juvenility before the Sessions Judge who shall on such plea decide the same appropriately by making such inquiry as deemed fit and proper.

5. With the aforesaid order, this Criminal Misc. Case stands disposed of.

6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS