

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.704 of 2012

Lingeswar Rohidas

....

Petitioner

-versus-

State of Orissa & another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

04.04.2022

Order
No.

20.

1. This matter is taken up through Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the order dated 26.03.2011 passed by the learned S.D.J.M., Jharsuguda in G.R. Case No.34 of 2011.
3. According to the Petitioner, he was a juvenile in conflict with law at the time of commission of the offence and as such his prayer could not have been refused by the trial court vide the impugned order dated 26.03.2011.
4. Learned counsel for the Petitioner submits that the plea of juvenility can be taken into consideration at any stage of the proceeding as such, the same could not have been refused by the trial court on the ground that as his prayer was refused placing reliance on the ossification test by the lower court and the same has reached finality.

5. However, the aforesaid ground of finality of the order is no ground to refuse to entertain the prayer of the Petitioner afresh. Therefore, this Court while setting aside the impugned order, remits the matter back to the court in seisin over the matter to decide whether the Petitioner was at all a juvenile in conflict with law as per the Juvenile Justice (Care and Protection of Children Act), 2000 at it then was and the Rules made thereunder by making a fresh inquiry. Such inquiry is to be concluded within one month of receipt of a certified copy of this order or communication of the order, whichever is earlier. The Petitioner is directed to supply a copy of this order within seven days of the receipt of the same before the court in seisin over the matter.

6. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

PKS