

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2702 of 2023

Arising Out of PS. Case No.-153 Year-2020 Thana- PANAPUR District- Saran

SUNIL KUMAR @ BHUWAR S/O HARENDRA MAHTO R/O- Lagauni,
PS. Panapur, Dist. Saran at Chapra. Under natural guardianship of Laalo
Devi, the mother of the appellant

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. ORDER

- 7 19-10-2023 1. This application has been filed under section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015.
2. The relevant facts, in short, are that being aggrieved with the order dated 02.12.2020 of the Juvenile Justice Board, the appellant filed an appeal in the Court of 1st Additional Sessions Judge, which was rejected vide order dated 10.01.2023.
3. It is submitted on behalf of the appellant that the Court of 1st Additional Sessions Judge has also been vested with the powers of the Children Court and the order dated 10.01.2023 is the order of the Children Court and not of the 1st Additional Sessions Judge and accordingly the present appeal under section



101(5) of the aforesaid Act has been filed.

4. It is the specific case of the appellant that being aggrieved with the order dated 02.12.2020 passed by the Juvenile Justice Board, he filed an appeal in the Court of 1st Additional Sessions Judge.

5. It is clear that the appellant is praying for something which is not in his pleading and perhaps this is the reason he has filed an application under section 101(5) of the aforesaid Act and has not filed the appeal, although the above section provides for appeal in the Hon'ble High Court against the order passed by the Children Court.

6. Section 101(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 does not allow for a second appeal. Accordingly, the present appeal is not maintainable and is dismissed.

(Arvind Srivastava, J)

mcv/-

U		T	
---	--	---	--

