

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1074 of 2019

Arising Out of PS. Case No.-170 Year-2014 Thana- NAGARNAUSA District- Nalanda

Baby Laxmi Bharti D/o Sri Rajesh Kumar, Resident of Village- Bishunpur,
P.S.- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ashirbad Yadav S/o Ramashish Yadav, Resident of Village- Bishnupur, P.S.- Nagarnausa, District- Nalanda.
3. Ramesh Yadav S/o Mahesh Yadav, Resident of Village- Bishnupur, P.S.- Nagarnausa, District- Nalanda.
4. Nitish Kumar S/o Sohaban Yadav, Resident of Village- Bishnupur, P.S.- Nagarnausa, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prabhat Kishore, Adv.
For the State	:	Mr. Ajay Kumar No.2, APP.
For the O.P. No.2 to 4	:	Mr. Pankaj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-03-2023

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Opposite Party No.2 to 4.

The present Cr. Revision Application has been filed against the order dated 18.06.2019 passed by Juvenile Justice Board, Nalanda in J.J.B. Case No.138 of 2015, by which Opposite Party No.2 to 4 have been acquitted.

Learned counsel for the petitioner submits that petitioner is informant in this case and on her F.I.R. the case has

been lodged, in which, there are in total ten persons who were made accused. Learned counsel submits that out of total accused the case of three persons (Opposite Party No.2 to 4) were referred before the Juvenile Justice Board. The Juvenile Justice Board has declared the said opposite parties as Juvenile and trial has commenced against them. He further submits that opportunity was not granted to the petitioner to defend her case. He also submits that the provisions of appeal is not available, as such, she has preferred Cr. Revision under Section 102 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

Learned counsel for the State submits that from the impugned judgment dated 18.06.2019, it transpires that after declaration of Opposite Party No.2 to 4 as juvenile, they become the juvenile in conflicts with law, under the provision charges were framed, examination and cross-examination took place. Stage of Section 313 of Cr.P.C. has also been crossed. It has also been mentioned by counsel for the State that in the conclusion portion during cross-examination there is a strong contradiction in the evidences of witnesses and due to this contradiction the Court could not reached on the conclusiveness and, as such, the case failed.

Upon hearing the parties and after going through

the provisions of Section 102 as well as Section 103 of Juvenile Justice (Care & Protection of Children) Act, 2015, it transpires to the Court that neither any question of legality nor any question of propriety are involved in the present case. It is also clear under Section 103(1) of the J.J. Act that every trial under J.J. Act are amounts to trial of summons cases.

In this view of the matter, I found no merit in this case, therefore, the present Cr. Revision Application stands dismissed.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	