

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1632 of 2024

Arising Out of PS. Case No.-133 Year-2023 Thana- MOUZA HIDPUR District- Bhagalpur

Ravi Shankar Kumar @ Choubey @ Shiv Shankar Kumar Son Of Anil Sah @ Babloo Sah Under The Guardianship Of His Mother Namely Kiran Devi Aged About 49 Years Wife Of Anil Sah @ Babloo Sah Village- Maroofchak, Narayan Das Lane, Ps- Mojahidpur, Dist- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nishant Kumar, Advocate Mr. Shashank Shekhar, Advocate
For the Respondent/s	:	Mr. Syed Ashfaque Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 9 17-04-2025 The instant appeal is filed by the CICL under the guardianship of his mother under the provision of Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015, which says any person aggrieved by an order of the Children Court may file an appeal before the Hon'ble High Court in accordance with the procedure specified in the Code of Criminal Procedure. This provision is in direct contradiction with the provision of Section 102 of the said Act, where it is stated, "The High Court may, at any time, either on its own motion or on an application received in this behalf, call for the record of any proceeding in which any Committee or Board or Children's Court, or Court has passed an order, for the



purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.”

2. Sub Section (5) of Section 101 of the said Act in its first part says that an order passed by the Children Court is assailable in appeal before the High Court, in the second part it is stated that the procedure relating to appeal under the said Act is governed under the provision of the Code of Criminal Procedure. The Cr.P.C. does not contain any provision of Second Appeal against an Appellate order passed by the learned Judge, Children Court at Bhagalpur. The said appeal before the Children Court was filed under the provision of Section 101 of the said Act.

3. The Appellate Courts order, in my considered view cannot be challenged by way of second appeal before this Hon’ble High Court.

4. Therefore, the appellant is directed to convert the instant appeal to a criminal revision.

5. In the meantime, call for Lower Court Record from



the Juvenile Justice Board. The record must contain original social investigation report of the appellant.

6. With the above observations, the instant case is disposed of.

(Bibek Chaudhuri, J)

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