

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1802 of 2025

Arising Out of PS. Case No.-40 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Shravan Kumar, S/O Nandlal Kharbar R/O Village- Khamkala, P.S- Adhaura,
Distt.- Kaimur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalmati Kumari, D/O Shivchand Singh R/O Village- Khamkala, P.S-
Adhaura, Distt.- Kaimur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Mr. Zeyaul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 08-08-2025 1. This is an appeal under Section 101 (5) of the Juvenile Justice (Care and Protection of Children) Act, 2015, filed by the accused of Mahila (Bhabhua) P. S. Case No. 40 of 2021, registered for the offences, punishable under Sections 376/420 of the Indian Penal Code and Section 4 of the POCSO Act, 2012, dated 10th of July, 2021.

2. The CICL presently has attained his majority and instituted the instant appeal against an order passed in I. A. No. 01 of 2022 in AC Trial No. 9 of 2022,



rejecting the bail of the appellant *vide* order, dated 10th of November, 2022.

3. The instant appeal is filed on 28th of April, 2025.

4. It is clearly provided in Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015:-

“101. Appeals.

(1) Subject to the provisions of this Act, any person aggrieved by an order made by the Committee or the Board under this Act may, within thirty days from the date of such order, prefer an appeal to the Children’s Court, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate:

Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period



of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall be decided within a period of thirty days.

(2) An appeal shall lie against an order of the Board passed after making the preliminary assessment into a heinous offence under section 15 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section.

¹*[(3) No appeal shall lie from any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years.]*

(4) No second appeal shall lie from any order of the Court of Session,



passed in appeal under this section.

(5) Any person aggrieved by an order of the Children's Court may file an appeal before the High Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974).

[(6) Any person aggrieved by an adoption order passed by the District Magistrate may, within a period of thirty days from the date of such order passed by the District Magistrate, file an appeal before the Divisional Commissioner.

(7) Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it within a period of four weeks from the date of filing of the appeal:

Provided that where there is no Divisional Commissioner, the State Government or Union territory Administration, as the case may be, may, by notification, empower an officer equivalent to the rank of the Divisional



Commissioner to decide the appeal.]

5. Sub-section (5) of Section 101 states that “any person aggrieved by an order of the Children’s Court may file an appeal before the High Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974).”

6. In criminal cases, the limitation period for filing an appeal against an order of conviction or order of acquittal varies depending on the Court and the specific circumstances, generally ranging from 30 to 90 days with exceptions for certain cases like appeals against death sentence.

7. Chapter-XXIX, comprising Sections 372 to 394 of the Cr.P.C. and Chapter-XXXI, comprising Sections 413 to 435 of the BNSS deals with criminal appeals.

8. The Limitation Act has no application to criminal proceedings, except to the extent where there are expressed provision in the schedule of the Limitation



Act, such as :

(A) Article 114 – Appeal from an order of acquittal – 90 days

(B) Article 115 – (a) appeal from a sentence of death passed by a Court of Sessions or by the High Court in exercise of its original criminal jurisdiction – 30 days.

(C) Appeal from any other sentence or any order not being an order of acquittal -

(i) To the High Court – 60 days

(ii) To any other Court – 30 days

9. In the instant case, the impugned order was passed on 10th of November, 2022 and the instant appeal has been filed on 28th of April, 2025, i.e., after a lapse of about two and a half years. No application for condonation of delay has been filed in terms of proviso to 101(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 or Section 5 of the Limitation Act, 1963.

10. Thus, I find that the instant criminal appeal



is hopelessly barred by limitation and, accordingly, the same is summarily dismissed on the ground of limitation.

(Bibek Chaudhuri, J)

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