

(2010) 07 JH CK 0015

Jharkhand High Court

Case No: Criminal Rev. No. 609 of 2010

Vikash Chandra Ravi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: July 23, 2010

Acts Referred:

- Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 12, 52
- Penal Code, 1860 (IPC) - Section 392

Citation: (2012) 1 Crimes 162

Hon'ble Judges: Dilip kumar sinha, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

D.K. Sinha, J.

Heard. This Criminal Revision is directed against the judgment dated 14.12.2009 passed by the Sessions Judge, Gumla in Cr. Appeal No. 65 of 2009 by which the appeal preferred by the petitioner u/s 52 of the Juvenile Justice (Care and Protection of Children) Act 2000 was dismissed.

2. The petitioner is admittedly the juvenile alleged to be in conflict with law who is in remand home since 28.7.2009. The offence is related to hold upon the road by which the motor cycle and cash of the informant was removed on the point of gun by three unknown miscreant. They had removed the cell phone of the informant as well to which Ghaghra P.S. Case No. 59 of 2009 was instituted against three unknown culprits for the offence u/s 392 of the Indian Penal Code. In course of investigation it was stated that the petitioner was arrested by the police with a stolen motor cycle in connection with another case vide Gumla P.S. Case No. 157 of 2009 and on the basis of the confessional statement he was remanded in the instant case. It was further alleged that a loaded pistol was also recovered from his possession to which a substantive case was instituted against him under Arms Act.

3. The learned counsel submitted that the petitioner is innocent and was not put on Test Identification Parade to be identified by the informant in the instant case as to whether he was amongst the culprits. Assailing the order impugned recorded by the Sessions Judge the learned counsel submitted that the appeal of the petitioner was dismissed by the Sessions Judge relying upon the observation made by the Juvenile Justice Board, Gumla that the release of the petitioner would defeat the ends of justice.

4. Having regard to the facts and circumstances of the case. I find that the case of the petitioner does not come within the exception clause of Section 12 of the Juvenile Justice (Care and Protection of Children) Act 2000. The prosecution failed to show that the release of the petitioner would likely to bring him into association with any known criminal or expose him to moral physical or psychological danger or that his release would defeat the ends of justice. At the cost of repletion I Must say that neither the appellate Court nor the Juvenile Justice Board, who refused the prayer for bail of the juvenile could disclose as to how the release of the petitioner would defeat the ends of justice. In the result this Criminal Revision is allowed and the petitioner Vikash Chandra Ravi is directed to be released on executing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board Gumla in Ghaghra P.S. Case No. 59 of 2009 corresponding to G.R. No. 475 of 2009 with the condition that the bailers would be his parents who would produce him before the J.J Board, Gumla regularly in the first week of every month till disposal of the enquiry.