

**In the Court of Additional Sessions Judge II , Aurangabad  
Criminal Revision No. 82/19,  
8/25,**

**( Arising out of the order of Ld. S.D.J.M., Daudnagar, Aurangabad dated 21.8.2019  
passed in Complaint case no. 160/2011, Trial No. 525/2019).**

- 1. Md. Ekbal Ansari.**
- 2. Md. Mahtab Alam.**

**.....Revisionist**

**Versus**

- 1. State of Bihar.**
- 2. Rehana Khatoon.**

**.....Opposite Parties**

**Counsel for the Revisionist- Md. Akmal Hassan, Advocate.  
Counsel for the opposite Party no. 1 – Shree Anil Kumar II,APP**

**Present – Anindita Singh  
Addl. Sessions Judge II  
Aurangabad**

**5.6.26**

**ORDER**

1. This Criminal Revision is directed against the order dated 21.8.19 passed by Ld. SDJM, Daudnagar in connection with complaint case no. 160/2011, Trial No. 525/2019 whereby the Ld. court allowed the petition of complainant dated 17.7.2019 filed u/s 311 Cr.P.C. and directed the complainant to adduce after charge evidences in two consecutive dates.

2. The present revision was admitted on 21.9.19. LCR was called for and attached. During hearing no one appeared on behalf of revisionists despite being given repeated directions by this court. Thereafter the court decided to pass order on the basis of the materials available on the LCR attached with the case record.

It has been stated in the revision petition that the impugned order dated 21.8.19 is illegal, incorrect and improper. The Ld. court has allowed the petition u/s 311 Cr.P.C. filed on behalf of complainant without considering the entire materials on the record as after framing charge on 7.12.16 till the closing of evidence after charge altogether nine dates were given to the complainant for adducing evidence during the span of one year and 5 months. But during this period the complainant also failed to cross-examine herself by the defence despite being present on two days i.e. 12.4.17 and 22.11.17. The conduct of the complainant shows that she deliberately ignored it's case with intend to harass the accused and without perusal of the entire case record order has been passed by the Ld. Trial court which is not sustainable in law at all. Accordingly, prayer has been made to allow the revision by setting aside the impugned order dated 21.8.19.

Per contra the Ld. APP appearing on behalf of OP no. 1 supported the impugned order and contended that there is no illegality and infirmity in the impugned order the and some deserves to be upheld.

3. Now the main point for determination is that whether there is any material irregularity or illegality in the order of the Ld. Court dated 21.8.19 and the same is sustainable in the eye of law or not.

**Continued...**

**5.6.2026**

4. Perused the TCR, one Rehana Khatoon is the complainant of the case who has filed case against the present revisionists and others on the allegation she was married with Md. Mahtab Alam on 1.6.12 with Muslim rites and rituals and after the marriage two daughters were also born out of the wedlock. However after some days of the marriage the complainant was being tortured and harassed at the hands of her husband, father-in-law, mother-in-law, sister-in-law and nandosi for dowry and she was ultimately ousted from her matrimonial house on 4.6.2011 at 8:00 PM. After due inquiry prima-facie case was made-out against accused no. 1 to 3 named in the complaint petition u/s 498(A) & 494 IPC. Before charge four witnesses were examined by the complainant and on 7.12.2016 charge was framed u/s 498(A) and 494 IPC. Thereafter record was fixed for after charge evidence. Only one witness was examined. After charge evidence was closed vide order dated 9.5.18. Thereafter the statements of the accused persons were recorded u/s 313 Cr.P.C. and the record was running for final arguments when a petition u/s 311 Cr.P.C. was filed on behalf of complainant for adducing witnesses after charge which was allowed by the Ld. Trial court and direction was made to adduce witnesses two consecutive dates by order 21.8.19 which is under challenge in the present revision.

5. Right at the onset it is pertinent to mention that this is a criminal revision and the scope is strictly limited to ensuring the correctness, legality and propriety of the order and proceeding .On perusal of the impugned order the TCR and the other materials available on the case record it appears that Ld. SDJM has passed a reasoned order after due consideration of the materials on the record specifying the reason for allowing the complainant to adduce evidence in two consecutive dates. It is the well reasoned and logical order and the reasoning is based squarely on materials available on the record. It is in accordance with law I do not find illegality or impropriety in the order.

6. In view of the facts as discussed above ,it is clear that the Ld. Magistrate has rightly passed order on the basis of materials on record. The order dated 21.8.19 passed in complaint case no. 160/2011, Trial no. 525/2019 is legally and factually correct and does not require any interference. Hence, finding no merit, the present revision stands dismissed .

Let the copy of this order be sent to the learned court concerned for information along with the LCR .

(Anindita Singh)  
Addl. Sessions Judge -II

<i>Date of Judgement/order</i>	5.6.2026
<i>Date of Reserving Judgement/order</i>	5.6.2026
<i>Uploading Date</i>	9.6.2026
<i>Uploaded by</i>	Krishna Mohan