

**In the Court of Principal Sessions Judge, Begusarai  
(Criminal Revision Jurisdiction)  
Criminal Revision No. 42/2026**

[Against the Impugned Order dated 24.02.2026, passed in Town P.S. Case No. 77/2017, by the court of Sri Alok Kumar, Ld. JMFC, Begusarai]

**In the matter of :**

Rajiv Kumar, S/o Vishundev Sah, R/o vill. Chhati Road, P.S. Ratanpur, Distt. Begusarai  
.....**Petitioner/Revisionist.**

**Vrs.**

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| 1. State of Bihar                            | ..... <b>O.P. No. 1.</b> |
| 2. Shambhu Thakur, S/o Lakshmi Thakur,       | ..... <b>O.P. No. 2.</b> |
| 3. Kailash Thakur, S/o Late Prabhu Thakur,   | ..... <b>O.P. No. 3.</b> |
| 4. Sanjay Thakur, S/o Late Baleshwar Thakur, | ..... <b>O.P. No. 4.</b> |
| 5. Prakash Thakur, S/o Lakshmi Thakur,       | ..... <b>O.P. No. 5.</b> |
| 6. Vikash Thakur, S/o Prakash Thakur,        | ..... <b>O.P. No. 6.</b> |
| 7. Ritesh Thakur, S/o Kailash Thakur,        | ..... <b>O.P. No. 7.</b> |
- All are R/o vill. Chatti Road, Ward no. 34, P.S. Ratanpur, Distt. Begusarai

**Present: Rishi Kant,**

Principal Sessions Judge, Begusarai

Ld. Counsel for the Revisionist : Sri Shashi Bhushan Jha, Advocate.

Ld. Counsel for the O.P. no. 1/State : Sri Santosh Kumar, Ld. P.P. I/c.

Ld. counsel for O.P. no. 2 to 7 : No one.

Date of Order: **23.03.2025**

**ORDER**

1. This revision is preferred U/s-438 r/w 440 of B.N.S.S. against the impugned order dated 24.02.2026, passed in Town P.S. Case No. 77/2017, by the court of Sri Alok Kumar, Ld. JMFC, Begusarai, whereby and where under, the Learned Magistrate, dismissed the petition u/s 311 of Cr.PC. filed by the informant/revisionist.
2. I have heard learned lawyer appearing for the revisionist/petitioner and learned Public Prosecutor I/c appearing on behalf of O.P. No. 1 and perused the impugned order passed by the Learned JMFC, Begusarai.
3. Learned Counsel appearing for the petitioner/revisionist, in course of his argument, has submitted that the learned court below failed to appreciate that the examination of the doctor and the investigating officer is essential for a just decision of the case and their evidence goes to the real of the matter. The rejection of the petition merely on the ground that earlier opportunities were granted defects the very object of the said provision which is to advance the cause of justice. Ld. Court below failed to consider that non-examination of the doctor and investigation officer would cause serious prejudice to the prosecution case and may result in miscarriage of justice. The impugned order has been passed without properly appreciating the facts and

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- circumstances of the case and the settled principles of law governing section 311 of Cr.P.C. Therefore, he prayed to set aside the impugned order.
4. Learned P.P. I/c appearing on behalf of State opposed the prayer of revisionist, and submitted that there is no error in impugned order.
  5. Before considering the merit of the revision, I would like to decide whether the revision is barred by Law of Limitation or not. From perusal of record, I find that the said revision was filed on time.
  6. Now, in light of the submissions advanced by both parties and upon careful perusal of the case record, including the lower court records, it appears that the present revision petition has been filed against the order dated 24.02.2026 passed by the learned Magistrate. In the impugned order, the learned Magistrate dismissed the petition filed by the informant/revisionist under Section 311 of the Code of Criminal Procedure. From the record, it is evident that earlier on two occasions i.e., on 22.03.2025, a petition under Section 311 Cr.P.C. filed by the informant/revisionist was allowed, directing the petitioner to produce evidence within two subsequent dates. Pursuant to the directions, on 29.05.2025, only one witness, namely PW5 Rajiv Kumar, was examined, cross-examined and discharged. Despite the ample opportunity granted, the informant/revisionist failed to produce any further witnesses or evidence within the time granted. Subsequently, the learned Trial Court closed the prosecution evidence on 29.05.2025. Thereafter, on 23.08.2025 again a petition under Section 311 Cr.P.C. filed by the informant/revisionist was allowed, directing the petitioner to produce evidence within three subsequent dates. Pursuant to the directions, no witness has been adduced on behalf of the petitioner. Subsequently, the learned Trial Court closed the prosecution evidence on 02.02.2026. Thereafter, on 13.02.2026, yet another petition under Section 311 Cr.P.C. was filed by the informant/revisionist seeking permission to adduce evidence, which the learned Magistrate rightly observed was a mere attempt to delay the trial.
  7. Upon careful examination of the materials on record, I find that despite the indulgence granted in the earlier petitions under Section 311 Cr.P.C., the informant/revisionist failed to avail of the opportunity to present evidence even after a lapse of over one year. The learned Magistrate has rightly held that repeated filing of petitions under Section 311 Cr.P.C., without making proper use of the opportunities already granted, amounts to an abuse of the process of law. Such conduct causes undue prejudice to the

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accused/opposite parties by unnecessarily prolonging the trial. The discretionary power conferred upon the Court under Section 311 Cr.PC. is intended to serve the ends of justice and cannot be exercised to allow dilatory tactics or repeated attempts to delay proceedings. Since the informant/revisionist was granted adequate opportunities on earlier occasions but failed to utilize them effectively, the subsequent petition dated 13.02.2026 cannot be considered bona fide and was rightly dismissed by the learned Magistrate.

8. In these circumstances, I find no illegality, irregularity, or impropriety in the impugned order dated 24.02.2026 passed by the learned Magistrate rejecting the complainant's petition under Section 311 Cr.PC. Accordingly, no interference by this Court is warranted, and the present revision petition is found to be devoid of merit and is hereby dismissed.

The revision file be consigned to record room. Copy of this order be sent to concern court.

Announced in open Court on this 23<sup>rd</sup> March, 2026.

Dictated, Corrected and Signed by me.

Sd/-  
**(Rishi Kant)**  
Principal Sessions Judge  
Begusarai  
23-03-2026

<b>Date of Judgment/Order</b>	23.03.2026
<b>Date of Reserving Judgment/Order</b>	N.A.
<b>Uploading Date</b>	26.03.2026
<b>Uploaded by</b>	Rahul Verma

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