

**In the Court of Principal Sessions Judge, Begusarai
(Criminal Revision Jurisdiction)
Criminal Revision No. 76/2026**

[Against the Impugned Order dated 04.09.2025, passed in Town P.S. Case No. 684/2016, by the court of Sri Pappu Kumar Pandit Ld. JMFC, Begusarai]

In the matter of :

1. Anil Kumar Jha, S/o Late Kuldeep Jha
 2. Sintu Jha, S/o Late Kuldeep Jha
 3. Rajeshwar Jha, S/o Late Nageshwar Jha
- All three R/o Vill.-Sanha, Purab, P.S. Kamal, Dist.-Begusarai
4. Rupes Kumar, S/o Late Ram Nandan Singh, R/o Vill.-Ratanpur, P.S. Ratanpur, Dist.-Begusarai
 5. Krishna Kant Thakur, S/o Dinanath Thakur, R/o Vill.-Mirjapur Bandwar, P.S., Begusarai, Dist.-Begusarai
 6. Savan Kumar, S/o Ramgopal Jha, R/o Sanha Purab, P.S. S. Kamal Dist.-Begusarai
 7. Pankaj Kumar Mishra, S/o Late Shyamnandan Mishra, R/o Vasudeopur, P.S. Muffasil, Dist.-Begusarai
-Petitioners/Revisionists.**

Vrs.

1. The State of Bihar **....O.P. 1st Party.**
2. Rajeev Kumar Jha S/o Jaykant Jha @ Vijay Kant Jha, R/o vill. Sanha, Purab, P.S. S.Kamal, Distt. Begusarai **..... O.P. 2nd Party.**

Present : Sri Rishi Kant,

Principal Sessions Judge, Begusarai

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| Ld. Counsel for the Revisionists | : Sri Kamlesh Kumar, Advocate. |
| Ld. Counsel for the O.P. 1 st party/State | : Sri Santosh Kumar, Ld. P.P. I/c. |
| Ld. Counsel for the O.P. 2 nd party | : Sri Ashok Kumar Jha, Advocate. |

Date of Order: **18.07.2026**

ORDER

1. The present criminal revision petition has been preferred against the order dated 04.09.2025 passed in Town P.S. Case No. 684 of 2016 by the court of Sri Pappu Kumar Pandit, learned Judicial Magistrate First Class, Begusarai, whereby the discharge petition filed on behalf of the revisionists has been rejected and the case has been directed to proceed for framing of charge.
2. I have heard the learned counsel appearing on behalf of the revisionists, learned Public Prosecutor I/c appearing on behalf of the State and learned counsel appearing on behalf of Opposite Party No. 2. I have also carefully perused the impugned order and the lower court records.
3. Before proceeding to consider the merits of the revision petition, this Court has examined the question of limitation. It appears that the revision petition has been filed beyond the prescribed period of limitation. However, a

separate petition for condonation of delay has been filed by the revisionists explaining the reasons for such delay.

4. Upon consideration of the grounds mentioned in the delay condonation petition and in the interest of substantial justice, this Court is satisfied that sufficient cause has been shown. Accordingly, the delay in filing the revision petition is hereby condoned and the revision petition is taken up for consideration on merits.
5. Learned counsel appearing on behalf of the revisionists submitted that the impugned order is bad both in law and on facts. It has been contended that the learned court below has rejected the discharge petition in a mechanical manner without properly appreciating the allegations made in the F.I.R., the materials collected during investigation and the ingredients of the offences punishable under Sections 419, 420 and 467/34 of the Indian Penal Code. It is further submitted that the learned Magistrate has failed to appreciate that the dispute between the parties is essentially civil in nature and has unnecessarily been given a criminal colour. According to the learned counsel, the learned court below has failed to properly examine the case diary and the materials available on the record before rejecting the discharge petition. It has, therefore, been prayed that the impugned order dated 04.09.2025 be set aside.
6. Per contra, learned Public Prosecutor I/c appearing on behalf of the State as well as learned counsel appearing on behalf of Opposite Party No. 2 opposed the revision petition and submitted that sufficient materials have been collected during investigation disclosing the involvement of the revisionists in the alleged offences. It has further been submitted that the learned Magistrate has rightly rejected the discharge petition after considering the materials available on the record and that no interference is warranted in revisional jurisdiction.
7. Having considered the rival submissions and perused the lower court records, this Court finds that the scope of consideration at the stage of discharge or framing of charge is very limited. At this stage, the court is not required to conduct a meticulous appreciation of evidence or determine the probable defence of the accused. The court is only required to examine whether the materials collected during investigation disclose sufficient grounds for proceeding against the accused.

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8. In **State of M.P. v. S.B. Johari & Ors., reported in 2000 Cri. L.J. 944**, the Hon'ble Supreme Court has categorically held that at the stage of framing of charge, the trial court is not required to marshal the materials on record or appreciate the evidence produced by the prosecution as if conducting the trial itself. The Court is only required to prima facie consider whether sufficient material exists against the accused for proceeding further in the matter. The Hon'ble Supreme Court has further held that appreciation and weighing of the evidence at this stage is wholly impermissible.
9. Applying the aforesaid settled principle of law to the facts of the present case, I find that the submissions advanced on behalf of the revisionists essentially invite this Court to undertake a detailed appreciation of the materials collected during investigation and to adjudicate upon the defence sought to be raised by them. Such an exercise is not permissible at the stage of discharge.
10. Upon careful perusal of the impugned order and the lower court records, it appears that the learned Magistrate has considered the case diary and the materials collected during investigation and have recorded his satisfaction that sufficient grounds exist for proceeding against the revisionists. Nothing has been brought on record to demonstrate that the learned Magistrate has acted without jurisdiction or has committed any material irregularity while rejecting the discharge petition.
11. The contention of the revisionists that the dispute is civil in nature and that the ingredients of the alleged offences are not attracted are matters which involve disputed questions of fact. Such questions are required to be considered during the course of trial upon appreciation of evidence and cannot be conclusively adjudicated at the stage of discharge. Merely because a civil remedy may also be available to a party would not, by itself, be sufficient to discharge the accused when the materials collected during investigation disclose commission of a cognizable offence.
12. It is equally well settled that the revisional jurisdiction of this Court is limited in nature. Unless the impugned order suffers from patent illegality, material irregularity or jurisdictional infirmity resulting in miscarriage of justice, interference by this Court is not warranted. Upon careful examination of the impugned order, I do not find any such infirmity requiring interference in revisional jurisdiction.

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13. In view of the discussions made hereinabove and the settled legal position governing the stage of discharge and framing of charge, this Court finds no merit in the present revision petition. The impugned order dated 04.09.2025 passed by the learned Judicial Magistrate First Class, Begusarai, rejecting the discharge petition of the revisionists, calls for no interference and is hereby affirmed.

14. Accordingly, the criminal revision petition stands dismissed. The learned trial court shall proceed further with the case in accordance with law and make all endeavour to conclude the trial expeditiously.

Let the lower court records be returned forthwith. The revision file be consigned to the record room after due compliance. A copy of this order be transmitted to the learned trial court.

Announced in open Court on this 18th of July, 2026.

Dictated, Corrected and Signed by me.

Sd/-
(Rishi Kant)
Principal Sessions Judge, Begusarai
18-07-2026

Date of Judgment/Order	18.07.2026
Date of Reserving Judgment/Order	08.07.2026
Uploading Date	18.07.2026
Uploaded by	Rahul Verma