

**In the Court of Principal Sessions Judge, Begusarai
(Criminal Revision Jurisdiction)
Criminal Revision No. 24/2019**

[Against the Impugned Order dated 19.11.2018, passed in Complaint Case No. 607C/2018, by the court of the then Sri Juned Alam, Ld. JMFC Begusarai]

In the matter of :

1. Shalu Kumari, W/o Panchanand Tapashwi,
2. Panchanand Tapashwi, S/o Jaideochand Tapashwi, R/o vill. Dumrama, P.S. Amarpur, Distt. Banka,
- At present vill. Manjhaul, P.S. Cheriya Bariyarpur, Distt. Begusarai
3. Kishan Kumar, S/o Rajesh Choudhary,
4. Suraj Kumar, S/o Rajesh Choudhary,
5. Rajesh Choudhary, S/o Late Chandradeo Choudhary,
6. Ritu Devi, W/o Rajesh Choudhary,
- All are R/o vill. Manjhaul, Satyara, P.S. Cheriya Bariyarpur, Distt. Begusarai

.....Petitioners/Revisionists.

Vrs.

The State of Bihar

..... Opposite Party.

Present : Sri Rishi Kant,

Principal Sessions Judge, Begusarai

Ld. Counsel for the Revisionist

: Sri Krishna Kumar, Amicus Curiae.

Ld. Counsel for the O.P no. 1

: Sri Santosh Kumar, Ld. P.P. I/c.

Date of Order: 22.06.2026

ORDER

1. The present revision petition was taken up for hearing. Despite repeated calls, none appeared on behalf of the revisionists. It appears from the record that no one has represented the revisionists since 18.07.2024. In order to avoid delay in the administration of justice, Shri Krishna Kumar, learned Panel Advocate, was appointed as Amicus Curiae to assist the Court. The learned Amicus Curiae and the learned Public Prosecutor-in-charge for the State were heard at length.
2. The present revision petition has been preferred under Section 397 of the Code of Criminal Procedure against the impugned order dated 19.11.2018 passed in Complaint Case No. 607C/2018 by the court of the then learned Judicial Magistrate, 1st Class, Begusarai, whereby the learned court below took cognizance of the offence against the revisionists and directed issuance of summons.
3. The case of the complainant, in brief, is that his marriage was solemnized with Shalu Kumari on 29.01.2014 and both of them lived together happily for about four to five years. Thereafter, it is alleged that his wife solemnized a second marriage with one Parmanand Tiwari and, when the complainant went to bring her back, she refused to accompany him.

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4. Learned Amicus Curiae appearing for the revisionists submitted that the impugned order dated 19.11.2018 is unsustainable both in law and on facts. It was argued that the learned court below erred in taking cognizance without proper appreciation of the materials available on record. It was further submitted that the allegations contained in the complaint petition do not disclose the commission of any offence and that the date of marriage mentioned in the complaint petition is incorrect. It was also argued that petitioner no.1 was a minor at the relevant point of time and, therefore, the alleged marriage itself would be hit by the provisions of the Hindu Marriage Act. It was further contended that there is no sufficient material connecting the revisionists with the alleged offence. On these grounds, it was prayed that the impugned order be set aside.
5. Per contra, learned Public Prosecutor-in-charge appearing on behalf of the State opposed the revision petition and submitted that there is no infirmity in the impugned order. It was further submitted that it is well settled that at the stage of inquiry, the Magistrate is not required to examine whether there is a likelihood of conviction of the accused persons but is only required to ascertain whether a prima facie case is made out from the materials available on record.
6. Before examining the merits of the case, it is necessary to consider the issue of limitation. On perusal of the record, it appears that the present revision petition has been filed beyond the prescribed period of limitation. However, considering the grounds stated in the petition for condonation of delay and being satisfied that the delay was neither deliberate nor mala fide, the same is hereby condoned in the interest of justice.
7. Heard the learned Amicus Curiae for the revisionists and the learned Public Prosecutor-in-charge for the State. Perused the lower court records, the impugned order and the materials available on record.
8. Before examining the rival submissions, it is necessary to consider the scope of interference in revisional jurisdiction against an order taking cognizance and issuing process. It is well settled that at the stage of Sections 200 and 202 Cr.P.C., the Magistrate is only required to ascertain whether a prima facie case is made out from the complaint petition, the statement of the complainant on solemn affirmation and the statements of the inquiry witnesses. The Magistrate is not required to conduct a meticulous appreciation of evidence or hold a mini-trial at that stage.

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9. It is equally well settled that while exercising revisional jurisdiction under Section 397 Cr.P.C., this Court does not sit as an appellate court to reassess the sufficiency or reliability of the evidence. Interference is warranted only where the impugned order suffers from patent illegality, material irregularity, perversity or lack of jurisdiction.
10. In the present case, the learned Magistrate has taken into consideration the complaint petition, the statement of the complainant recorded on solemn affirmation and the statements of the inquiry witnesses examined under Section 202 Cr.P.C. The inquiry witnesses have supported the allegations made in the complaint petition.
11. The defence pleas raised by the revisionists regarding the validity of the marriage, minority of petitioner no.1 at the time of marriage and other factual disputes are matters of defence which require appreciation of evidence and cannot be conclusively adjudicated at the stage of issuance of process.
12. The contention advanced on behalf of the revisionists that the allegations do not constitute an offence under Section 494 I.P.C. also involves disputed questions of fact, which can only be determined during the course of trial upon appreciation of evidence adduced by the parties.
13. At the stage of Sections 200 and 202 Cr.P.C. the Magistrate is not required to evaluate the probative value of the evidence or examine the probable defence of the accused persons. The Court is only required to satisfy itself whether there exists sufficient ground for proceeding against the accused persons.
14. On perusal of the impugned order dated 19.11.2018, this Court finds that the learned Magistrate has recorded reasons, considered the complaint petition, the statement of the complainant on solemn affirmation and the statements of the inquiry witnesses and thereafter arrived at a satisfaction that a prima facie case is made out against the revisionists.
15. This Court does not find any material to indicate that the learned Magistrate acted mechanically or without application of judicial mind. The impugned order reflects due consideration of the materials available on record and cannot be said to suffer from any patent illegality, perversity or jurisdictional error warranting interference in exercise of revisional jurisdiction.
16. It is also well settled that at the stage of issuance of summons, the Court is not required to examine the probability of conviction of the accused persons. The existence of a prima facie case alone is sufficient for proceeding further in accordance with law.

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17. In view of the aforesaid discussion, this Court finds no illegality, infirmity, perversity or material irregularity in the impugned order dated 19.11.2018 passed by the learned Judicial Magistrate, 1st Class, Begusarai.

18. Accordingly, the revision petition, being devoid of merit, is hereby dismissed and the impugned order dated 19.11.2018 is affirmed.

The revision file be consigned to record room. Copy of this order be sent to Concern Court.

Announced in open Court on this 22nd of June, 2026.

Dictated, Corrected and Signed by me.

Sd/-
(Rishi Kant)
Principal Sessions Judge,
Begusarai
22-06-2026

Date of Judgment/Order	22.06.2026
Date of Reserving Judgment/Order	12.06.2026
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