

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II,
DARBHANGA**

Criminal Revision No. 188/2025

Farhin Fatma w/o Ashraf Kalim @ Md. Gore, d/o Md. Nafish, resident of Village - Sharifpur, P.S. - Nanpur, District - Sitamarhi, at presently living at Village - Sidhauli, P.S. - APM, District - Darbhanga ----- Revisionist/complainant

versus

1. The State of Bihar ----- Opposite 1st Party
2. Ashraf Kalim @ Md. Gore s/o Late Ishrat Kalim,
3. Qamrun Nishan @ Chamkila Khatoon w/o Late Ishrat Kalim,
4. Md. ARman s/o Late Ishrat Kalim,
5. Md. Talih s/o Late Ishrat Kalim,
6. Kahkasan @ Jubi Praween d/o Late Ishrat Kalim, all are resident of Village - Sharifpur, P.S. Nanpur, District - Sitamarhi ----- Opposite 2nd Party

Appearance(s):

Counsel for the Revisionist(s) : Md. Zakir Hussain, Learned Advocate.
Counsel for the State : Ms. Renu Jha, Additional Public Prosecutor.
Counsel for the O.P. 2nd Party : None

**ORDER
10.07.2026**

1. The present criminal revision petition has been preferred by the revisionist/complainant challenging the legality, propriety and correctness of the order dated 17.10.2025 passed by the learned Judicial Magistrate First Class, Darbhanga in CR (P) Case No. 1401 of 2024, whereby the learned Magistrate, upon finding sufficient prima facie materials available on record, was pleased to take cognizance of the offences punishable under Sections 126 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 against accused Ashraf Kalim @ Md. Gore and directed issuance of process against him alone.
2. The case of the complainant, as disclosed in the complaint petition, is that she was married to opposite party no. 2, namely Ashraf Kalim @ Md. Gore, on 20.04.2013 according to Muslim rites and customs. It is alleged that at the time of marriage, ornaments, household articles and other valuables were given by her parental family. After the marriage, the accused persons allegedly started demanding a sum of Rs. 2,00,000/- as dowry and subjected the complainant to physical and mental cruelty on account of non-fulfilment of the said demand. It is

further alleged that during her pregnancy she was driven out from her matrimonial home by her husband and in-laws. Subsequently, intervention was made through the Mahila Helpline, where a compromise was allegedly arrived at between the parties under which the complainant was to stay at her parental home till delivery of the child and maintenance was to be paid by her husband. Thereafter, a village Panchayati was convened and the complainant resumed cohabitation in her matrimonial home. However, according to the complaint petition, the demand for dowry persisted and on 02.09.2024 the accused persons allegedly snatched her ornaments and again expelled her from the matrimonial house. It is also alleged that on 10.11.2024 accused Ashraf Kalim reiterated the demand of Rs. 2,00,000/- as dowry. On the basis of these allegations, the complaint petition came to be instituted against five accused persons for offences punishable under Sections 126(2), 115(2), 303, 85, 316, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. During the enquiry conducted under Sections 200 and 202 of the Code of Criminal Procedure, the complainant examined herself and also produced three enquiry witnesses, namely, IW-1 (sister of the complainant), IW-2 (father of the complainant) and IW-3 (mother of the complainant). Upon consideration of the complaint petition, solemn affirmation and statements of the enquiry witnesses, the learned Magistrate found sufficient grounds for proceeding only against accused Ashraf Kalim under Sections 126 and 115(2) BNS and accordingly took cognizance of the said offences against him.
4. Learned counsel appearing on behalf of the revisionist assailed the impugned order principally on the ground that the learned Magistrate failed to properly appreciate the materials available on record and erroneously declined to proceed against the remaining accused persons. It has been contended that the allegations contained in the complaint petition clearly disclose active participation of all the accused persons in subjecting the complainant to cruelty and harassment. According to the revisionist, the learned Magistrate adopted a hyper-technical approach and ignored material aspects emerging from the complaint petition and enquiry evidence. It has further been argued that the impugned order suffers from

non-application of mind and material irregularity inasmuch as the statements of the enquiry witnesses were not properly scrutinized. Consequently, it is prayed that the impugned order be set aside and cognizance be directed to be taken against all the accused persons named in the complaint petition.

5. Per contra, learned Additional Public Prosecutor appearing on behalf of the State supported the impugned order and submitted that the learned Magistrate has passed a reasoned order after duly considering the complaint petition and enquiry materials. It has been contended that at the stage of cognizance the Court is required only to ascertain whether prima facie grounds exist for proceeding against an accused and not whether the evidence is sufficient to secure conviction. It is further submitted that no jurisdictional error, illegality or perversity is discernible in the impugned order warranting interference in exercise of revisional jurisdiction.
6. I have heard the learned counsel for the parties and have carefully perused the lower court records as well as the impugned order. Upon scrutiny of the complaint petition and the statements recorded during enquiry, it appears that although the complainant and her enquiry witnesses have alleged that she was subjected to assault, abuse and ill-treatment at her matrimonial home, the evidence adduced during enquiry does not specifically attribute any overt act to the remaining accused persons sufficient to constitute the offences alleged against them.
7. Significantly, the complainant, in her solemn affirmation, has not specifically named or described the individual role of the other accused persons. Likewise, the enquiry witnesses, namely IW-1, IW-2 and IW-3, have generally spoken about matrimonial discord and alleged ill-treatment but have not specifically supported the allegations regarding demand of dowry by the remaining accused persons. Their statements are largely omnibus and lacking in particulars insofar as the other accused persons are concerned.
8. On the other hand, specific allegations have consistently been levelled against accused Ashraf Kalim, who is the husband of the complainant. The materials available on record prima facie disclose acts attributable to him which, in the

opinion of the learned Magistrate, warranted issuance of process under Sections 126 and 115(2) BNS.

9. It is trite law that at the stage of taking cognizance and issuance of process, the Magistrate is not expected to conduct a detailed appreciation of evidence as would be undertaken during trial. The Court is only required to satisfy itself whether sufficient grounds exist for proceeding against a particular accused. The standard applicable at the stage of cognizance is one of prima facie satisfaction and not proof beyond reasonable doubt.
10. The Hon'ble Supreme Court has consistently held that while taking cognizance, the Magistrate is required to apply judicial mind to the materials placed before him and determine whether a prima facie case is made out. At that stage, the Court is not required to meticulously evaluate the reliability or sufficiency of evidence for the purpose of conviction.
11. Furthermore, it is equally well settled that merely because a person has been named in the complaint petition, the Magistrate is not bound to summon such person as an accused. Summoning of an accused is a serious matter and the Court must be satisfied that the materials available on record disclose sufficient grounds for proceeding against such person. Where the allegations are vague, omnibus or unsupported by the enquiry materials, the Magistrate is justified in declining to issue process against such persons.
12. The scope of revisional jurisdiction under Sections 397 and 399 CrPC is also limited. This Court does not sit as a Court of appeal over the order of cognizance. Interference is justified only where the impugned order suffers from patent illegality, perversity, jurisdictional error or material irregularity resulting in miscarriage of justice.
13. Having carefully examined the impugned order and the materials available on record, this Court finds that the learned Magistrate has duly considered the complaint petition, solemn affirmation and statements of the enquiry witnesses before arriving at the conclusion that a prima facie case was made out only against accused Ashraf Kalim. The order reflects proper application of judicial mind and cannot be said to have been passed mechanically or arbitrarily.

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14. This Court, therefore, finds no illegality, impropriety, perversity or jurisdictional error in the impugned order dated 17.10.2025 warranting interference in exercise of revisional powers.
15. Accordingly, this Court is of the considered opinion that the present criminal revision petition is devoid of merit and deserves to be **dismissed**.
16. Consequently, the criminal revision petition stands dismissed and the impugned order dated 17.10.2025 passed by the learned Judicial Magistrate First Class, Darbhanga in CR (P) Case No. 1401 of 2024 is hereby affirmed.
17. Let a copy of this order along with the lower court records be transmitted forthwith to the learned court concerned for information and necessary action.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
10.07.2026

Date of Judgement/order	10.07.2026
Date of reserving judgement/Order	25.06.2026
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