

In the Court of Sessions Judge, Camp Court Benipur

Criminal Revision No. 24/2026

=====

Shiv Chandra Singh, son of Late Surya Narayan Singh

.....Petitioner/Revisionist.

Versus

1. The State of Bihar.....Opposite Ist Party.

2. Jai Chandra Singh, son of Late Surya Narain Singh.....Opposite 2nd Party

For the Revisionist:- Shri Ambarish Kr. Mishra, learned Advocate.

For the O.P.(State):- Smt. Punam Jha, learned I/C .P.P.

=====

ORDER

01-07-2026: The present criminal revision application has been filed against the order dated 09.01.2026 passed in Complaint Case No. 78 of 2025 by the Court of learned Sub-Division judicial Magistrate, Benipur whereby and where under, the learned Trial Court has been pleased to take cognizance of offence under Section 318 (4) of the Bhartiya Nyaya Sanhita, 2023 against accused Shiv Chandra Singh.

2. Opposite Party No. 2 was served with a summon, but has not opted to appear the proceeding despite valid service. The learned I/c P.P. is present.

3. Heard the learned counsel for the petitioner as well as learned I/C .P.P. appearing for the State.

4. The learned counsel for the petitioner challenging the order submits that the order in revision is bad in law as well as on facts and the order is against the faith of the facts on record and has been passed merely on conjecture and surmises where the learned court below has never applied its judicial mind into the facts and material available on record and where there is no element of cheating under section 318(4) of the Bhartiya Nyaya Sanhita, 2023, but the learned court has been pleased to take cognizance u/s 318(4) of the Bhartiya Nyaya Sanhita, 2023. The further submission is that witnesses during enquiry has not supported the prosecution version and hence the cognizance is also bad, illegal and improper, hence the learned counsel prays to set aside order.

5. On the other hand learned Public Prosecutor appearing for the State opposes the prayer and submits that the present criminal revision application filed

In the Court of Sessions Judge, Camp Court Benipur**Criminal Revision No. 24/2026**

merely to delay the trial of the learned court and the impugned order has been passed after appreciating all the material available on record and the impugned order does not require any inference by this learned revisional court. Hence he prays to reject the present criminal revision application.

6. Perused the criminal revision application, which reflects that on the basis of a complaint petition filed by one Shiv Chandra Singh complaint CR No. 78 of 2025 was received by the court alleging therein that complainant and accused persons are relative to each other and land survey operation is going on in Bihar and all the documents regarding the land property of the family are in the custody of accused Shiv Chandra Singh. The accused Shiv Chandra Singh asked to the complainant for partition of all the family property at Sub Registry Office, Bahera as well as for preparing the partitioned documents for survey operation. The further allegation is that relying the averment of accused person, the complainant approached at Bahera Sub Registry Office on 22.03.2025 where the complainant signed on the stamp paper, knowing that the said paper is for partition to which the co-accused Santosh Kumar Munshi did not explain upon the complainant. After some times, the complainant heard from other persons that he has executed a registered sale deed in favour of accused Shiv Chandra Singh and when the complainant obtained the certified copy of registered sale deed dated 22.03.2025/24.03.2025 and knew about the forgery and cheating made by the accused persons, hence this present case was instituted. Apart from the Solemn Affirmation of the complainant, where he supported the allegation made in the complaint petition three inquiry witnesses namely Sujeet Kumar(EW-1), Sumitar Devi(EW-2) and Dinkar Singh(EW-3) have also been examined, who have supported the allegation made in the complaint petition. The law is very clear that at the time of taking cognizance and issuance of process against the accused, the Court is only to required to see a prima facie case to proceed against the accused persons and at that stage the meticulous examination of material brought on record for the purpose of recording the order of conviction does not appear as a necessity. By perusal of the complainant petition, the Solemn Affirmation of complainant as well as the statement of enquiry

In the Court of Sessions Judge, Camp Court Benipur

Criminal Revision No. 24/2026

witnesses support the allegation against accused petitioner, who is alleged to have obtained a sale deed in his favour executed by the Complainant on pretext of partition, but he obtained wrongful gain by the said act causing wrongful loss to the complainant and the impugned order itself reflective of the appreciation of all the relevant material brought on the record and does not suffer from any illegality or irregularity.

5. Under the facts and circumstances, the Court is of the view the Court does not require any interference during revisional jurisdiction and hence the criminal revision application stands **dismissed**.

(Dictated)

Ajay Kumar Sharma

(Ajay Kumar Sharma)

Sessions Judge, Darbhanga.

Camp Court Benipur.

01-07-2026.