

IN THE COURT OF SESSIONS JUDGE, GAYAJI  
Criminal Revision No. 3/2026

P R E S E N T : Madan Kishore Kaushik  
Sessions Judge, Gayaji  
Gaya, dated- The 9<sup>th</sup> March, 2026

Bajnath Chaudhary-----Petitioner /Revisionist

versus

The State of Bihar & Ors-----Opposite party

Ld. lawyer for the petitioner/revisionist:- Sri Dilip Kumar Pandey,  
Advocate

Ld. lawyer for the State:-Sri Sindhu Bhushan Ojha, P.P.

O R D E R

(1) By way of filing this revision application, the petitioner has assailed the impugned order dated 18.11.2025 passed by Sri Zubair Ahmad, J.M.F.C., Gayaji in relation to Complaint Case No. 719/2025 whereby the ld. Judicial Magistrate has dismissed the complaint petition of the petitioner under Section 226 of BNSS.

(2) The ld. counsel appearing for petitioner submits that ld. Judicial Magistrate did not appreciate the facts emanating from the statement on oath of the petitioner/complainant as well as evidences of enquiry witnesses adduced during the course of enquiry. He submits that despite there being sufficient materials available on the record to make out prima facie case for offenses as alleged in the complaint petition against accused referred in the complaint petition, the ld. Judicial Magistrate

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overlooked them. He thus argues that impugned order suffers from legal infirmity and deserves to be set aside.

(3) Per contra, the ld. counsel for State pointed out that cognizance is taken not on the basis of averments of complaint petition but it is taken by the court upon duly verifying the statement of complainant on oath as well as evidences collected during course of enquiry. He further submitted that from the perusal of statement on oath of complainant and statement of enquiry witnesses, no different conclusion can be drawn and ld. court below has rightly observed that this complaint is an attempt to give a civil dispute, the colour of a criminal offence. The ld. counsel for State further submits that primarily on account of non-refund of money by the accused, this complaint case has been registered. The ld. counsel for State thus contended that instant criminal revision application deserves to be dismissed.

(4) I have considered the aforesaid submissions advanced by both parties and impugned order as well as evidences collected during course of enquiry. From perusal of para-3 of statement on oath of complainant, I find that on account of non-refund of money, this case has been instituted by the complainant. I further find that relying upon judgements referred in impugned order ld. Judicial Magistrate has after analyzing the materials available on record including statement of complaint on oath

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and evidences collected during course of enquiry, observed that attempt has been made by the complainant to give a civil dispute the colour of criminal offence and there is no sufficient material available on the record to proceed further and no prima facie case is made out.

(5) In view of detailed impugned order passed by Id. Judicial Magistrate as well as judgement of superior court referred therein, this court thus does not find any legal infirmity in the impugned order calling for interference by this court in exercise of its revisional jurisdiction and as such this revision application is hereby dismissed accordingly.

Let a copy of order be sent to the court concerned forthwith.

(Dictated and corrected)

**Sd/-**  
**(M. K. Kaushik)**  
**Sessions Judge, Gayaji**  
**09.03.2026**

Date of Judgment/Order	09.03.2026
Date of reserving Judgment/Order	N/A
Uploading date	23.03.2026
Uploaded by	Steno (Vikash Kumar)