



In the Court of Additional Sessions Judge, V Jamui
Present:- Sri Amit Kumar, Additional Sessions Judge V
Case No.:- Criminal Revision – 55/2025,
Badri Ravidas v. State of Bihar
Date:- 02.06.2026

In the Court of Additional Sessions Judge, V Jamui

Criminal Revision - 55/2025

**(Against the order dated 04/03/2025 passed by Ms. Nazia Khan, learned J.M.-I
Jamui in Complaint Case No. 702C/2024)**

Badri Ravidas S/o Raghu Ravidas, R/o Karai, P.S.- Barhat, Distt.-Jamui
...Revisionist

Versus

1. State of Bihar ...Opposite Party No. 1
2. Karu Ravidas S/o Phulchand Ravidas, R/o Karai, P.S.- Barhat, Distt.- Jamui
...Opposite Party No. 2
3. Govind Ravidas S/o Karu Ravidas, R/o Karai, P.S.- Barhat, Distt.- Jamui
...Opposite Party No. 3
4. Ratan Ravidas S/o Karu Ravidas, R/o Karai, P.S.- Barhat, Distt.- Jamui
...Opposite Party No. 4
5. Vikas Ravidas S/o Karu Ravidas, R/o Karai, P.S.- Barhat, Distt.- Jamui
...Opposite Party No. 5
6. Budhu Ravidas S/o Phulchand Ravidas, R/o Karai, P.S.-Barhat, Distt.- Jamui
...Opposite Party No. 6
7. Arun Ravidas S/o Budhu Ravidas, R/o Karai, P.S.- Barhat, Distt.- Jamui
...Opposite Party No. 7
8. Ashok Ravidas S/o Budhu Ravidas, R/o Karai, P.S.- Barhat, Distt.- Jamui
...Opposite Party No. 8

Date of Order :- The 2nd day of June, 2026

Present :- Amit Kumar
Additional & Sessions Judge, V
Jamui

Learned Counsels

For the Revisionist :- Sri Ramchandra Pandey, Learned Advocate

For O.P. No. 1 :- Sri Sanjeev Kr. Singh, Learned A.P.P.

For O.P. No. 2 to 8 :- None

ORDER

(1) Heard Sri Ramchandra Pandey, learned Advocate for the revisionist, and Sri Sanjeev Kr. Singh, learned A.P.P. for the O.P. No. 1, the State of Bihar. None appeared on behalf of the O.P. No. 2 to 8.

(2) Instant criminal revision has been preferred by the revisionist against order dated 04/03/2025 passed by Ms. Nazia Khan, learned J.M.-I, Jamui in Complaint Case No. 702C/2024, whereby the learned court below found *no prima-facie* case against the



accused persons for offences u/s 392, 323, 341, 120B, 504, 506 of IPC and accordingly **dismissed** the complaint petition under Section 203 of Cr.P.C.

(3) Learned Counsel for the revisionist submitted that the impugned order passed by the learned court below is bad in law and is against the facts, circumstances and materials on record. He submitted that the revisionist along with his witnesses was returning from court on 25.06.2024 at about 5:00 PM when all the opposite party Nos. 2 to 8 surrounded them near Katehara river bridge, tied them with rope, beat them mercilessly, snatched bag, took away Rs. 8,000/- from the pocket of the revisionist, Rs. 3,000/- from witness Nageshwar Das and Rs. 5,000/- from witness Manoj Das, poured urine on them, held them captive for about two hours and threatened them regarding disputed land property. He further submitted that when FIR was not registered by the police, the revisionist was constrained to file complaint before the court. He prays that the instant revision may be allowed and the impugned order dated 04/03/2025 may be set aside and the matter be remanded for fresh consideration.

(4) The Learned A.P.P. appearing on behalf of the O.P. No. 1, the State of Bihar, submitted that the impugned order dated 04/03/2025 is just, proper and legally sustainable, which does not call for any interference by this Court.

(5) Heard and perused the materials available on record including the TCR. It appears that the complaint case bearing No. 702C/2024 was filed by the complainant/revisionist in the court of learned CJM, Jamui. The record reflects that the impugned case was referred to the court of Ms. Nazia Khan, learned J.M.-I, Jamui for enquiry under Section 202 Cr.P.C. The complainant got himself examined upon oath. Three enquiry witnesses, namely, 1. Nageshwar Ravidas, 2. Shiv Kumar, 3. Manoj Das, were examined who supported the version of the complainant. The record further reflects that vide order dated 04/03/2025, the learned court below found no prima-facie case against the accused persons for offences u/s 392, 323, 341, 120B, 504, 506 of IPC and dismissed the complaint petition under Section 203 of Cr.P.C. The exact verbatim of the said impugned order is as follows:-

04/03/2025

Heard and perused the complaint petition, S.A. of the complainant, and statement of inquiry witnesses. From sincere perusal, it is evident that there is **property dispute** between the parties. All the statements of Inquiry witnesses including SA of the complainant mentioned the factum of quarrel is disputed land property. The facts mentioned in complaint petition are not supported by SA of the complainant and statements of Inquiry witness. The complaint petition mentions the role of all the accused persons with specification like who spit upon them, who tries to make them drink urine, who throw urine on them, who beat them and who snatches or took their cash from whom. Where as the SA of the complainant and statement of inquiry witness fails to mention the role of



accused persons with specification like who spit upon them, who tries to make them drink urine, who throw urine on them, who beat them and who snatches or took their cash from whom. There is inconsistency relating to the place of incident mentioned in complaint petition and deposition of Inquiry witness no.1. This court also finds that the complainant has produced witnesses who has share in disputed property (interested witnesses). The complainant has failed to produced any independent witness to support his facts of contention. The essential ingredients of sections 392, 323, 341, 120B, 504, 506 of I.P.C ***does not fulfill in this case in light of facts submitted. The court cannot act as silent spectator in cases where the complainant has tried to invoke the criminal jurisdiction in order to pressurize the accused persons and settle down their civil dispute.*** Further as per law declared by the Hon'ble Supreme Court in M/S Pepsi Food Ltd. And others Versus Special Judicial Magistrate (1998) 5 SCC 749 that summoning of accused in criminal case is a serious matter. Criminal law can not be set in to motion as a matter of course. A magistrate can not be a silent spectator.

Hence, from above facts and circumstances, it is well clear that –

- a. no prima facie case made out against the accused persons U/S 392, 323, 341, 120B, 504, 506 of I.P.C
- b. Hence the complaint petition is **dismissed** under section 203 of Cr.P.C.
- c. The O/C is directed to consign the record to the record room after completion of all the formalities.

Nazia Khan
JM-1st Class, Jamui

The revisionist has assailed the aforesaid impugned order vide the instant revision petition.

(6) Having gone through the facts of the case and rival contentions of the parties, this court prefers to discuss the guiding principles regarding issuance of processes and dismissal of complaints by the learned Magisterial courts. Section 203 of Cr.P.C. provides as follows:-

Section 203 of Cr.P.C.

Dismissal of complaint – If, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and in every such case he shall briefly record his reasons for so doing.

Hence, it has been made clear by the legislature that the Magistrate, while dismissing a complaint under Section 203 Cr.P.C., must briefly record reasons for the same. At this juncture, this court also prefers to discuss the case law laid down by Hon'ble the Supreme Court of India in ***Pepsi Foods Ltd. and Another v. Special Judicial Magistrate and Others (1998) 5 SCC 749***, as under:-



"28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is *prima facie* committed by all or any of the accused."

(7) In the present case, this court has carefully gone through the complaint petition, solemn affirmation of the complainant/revisionist, statements of three enquiry witnesses and the impugned order. The following aspects are noted:-

- (i) The complaint petition specifically attributes individual roles to each of the 7 accused persons — i.e., who beat, who snatched, who threw urine, who made them drink urine. However, the solemn affirmation of the complainant and the statements of the three enquiry witnesses conspicuously fail to specifically attribute any such individual role to any of the accused persons. This creates a material and fatal inconsistency between the complaint and the enquiry evidence.
- (ii) There is a further inconsistency in the place of the incident as mentioned in the complaint petition vis-à-vis the deposition of Enquiry Witness No. 1.
- (iii) All three enquiry witnesses produced by the complainant are co-sharers in the disputed land/property, rendering them interested witnesses. The complainant has failed to produce any independent witness in support of his version.
- (iv) It is apparent from the entire record that the root cause of the dispute between the parties is a civil dispute relating to land/property. The complainant and opposite party Nos. 2 to 8 belong to the same community and are inter-related through property. The invocation of criminal jurisdiction appears to be an attempt to pressurize the opposite parties in the context of the ongoing civil/property dispute.
- (v) The impugned order is a well-reasoned and speaking order. The learned Magistrate has specifically adverted to the inconsistencies noted above, has applied judicial mind to the facts, and has recorded adequate reasons for dismissing the complaint. The essential ingredients of offences u/s 392, 323, 341, 120B, 504, 506 IPC are not *prima facie* made out from the materials on record.

(8) In view of the aforesaid facts and circumstances, this court is of the considered opinion that the impugned order dated 04/03/2025 passed by the learned J.M.-I, Jamui, dismissing the complaint petition under Section 203 Cr.P.C. is just, proper and legally sustainable. The impugned order does not suffer from any illegality, infirmity or jurisdictional error. No ground for interference has been made out by the revisionist. The



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revisionist has essentially sought re-appreciation of evidence, which is not the scope of revisional jurisdiction.

(9) **Wherefore, the instant revision is Dismissed.** The impugned order dated 04/03/2025 passed by the learned J.M.-I, Jamui in Complaint Case No. 702C/2024 is hereby **upheld and confirmed**. The complaint petition dismissed under Section 203 Cr.P.C. shall stand.

(10) Let a copy of this order be transmitted to the learned court below along with the LCR for information and compliance.

(11) Office is directed to consign the case record of instant revision to the D.R.R., Jamui as per norms.

(Dictated & Corrected by me)

ADDITINAL SESSIONS JUDGE- V, JAMUI
Dated- 02.06.2026