

In the Court of Sri Sandip Singh, Principal District & Sessions Judge, Jamui

Criminal Revision No. 73/2025
(Arising out of Complaint Case No. 537c/2024)

1. Gudiya Kumari W/o Suraj Kumar Vishwakarma
D/o Sahdeo Vishwakarma aged about 30 years.
R/o Village- Kewal Fariyata, P.S.- Khaira, District- Jamui.

..... Revisionist.

Vrs.

1. The State of Bihar.O.P.
2. Suraj Kumar Vishwakarma S/o Laddu Gopal Vishwakarma
3. Pradeep Vishwakarma S/o Laddu Gopal Vishwakarma
4. Sanjay Vishwakarma S/o Laddu Gopal Vishwakarma
5. Sanju Devi W/o Pradeep Vishwakarma
6. Wife of Laddu Gopal Vishwakarma
7. Laddu Gopal Vishwakarma
8. Navin Kumar Vishwakarma S/o Pradeep Vishwakarma
9. Praveen Kumar Vishwakarma S/o Pradeep Vishwakarma
10. Arbind Kumar Vishwakarma S/o Pradeep Vishwakarma
11. Mamta Devi W/o Sanjay Vishwakarma
12. Khushbu Kumari W/o Sanjay Vishwakarma
All R/o Village- Jhaunsha Garhi, Ward No. 31,
P.S.+District- Deoghar, State- Jharkhand.Opposite Parties.

Dated: 07.05.2026

ORDER

1. The present criminal revision petition has been preferred against the order dated 14.05.2025 passed by the learned Judicial Magistrate 1st Class, Jamui in Complaint Case No.537c/2024 whereby cognizance has been taken only under Sections 323, 341, 504 and 506 of the IPC against the husband of the complainant only namely Suraj Kumar Das, while no cognizance has been taken under Section 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act despite specific allegations in the complaint petition and supporting materials

adduced during enquiry under Sections 202 Cr.P.C. against the husband of complainant and his other family members.

2. Heard learned counsel for the revisionist and learned P.P. for the State. Perused the lower court record.

3. The prosecution case in short is that the complainant Gudiya Kumari lodged the instant complaint case under sections 323, 341, 379, 307, 498A, 504 and 506/34 of I.P.C. and 3/4 Dowry Prohibition Act against eleven accused persons, alleging therein that she was married with the Suraj Kumar Das @ Suraj Kumar Vishwakarma on dated 02.05.2023 in accordance with Hindu rights and customs, and thereafter, she went to her matrimonial home but soon after the marriage, she was subjected to cruelty and harassment due to non-fulfillment demand of dowry as her husband demanded Rs. 2 lakh as dowry otherwise he threatened for ousting her from the matrimonial home. She also alleged against other co-accused persons, who are relatives of the husband regarding assault and mental torture for non-fulfillment of the said demand and she was ultimately driven out from her matrimonial home.

4. The learned Magistrate, while passing the impugned order, has taken cognizance only against the husband and not against other accused persons, who are mentioned at serial no. 2 to 9 in the complaint petition. It is further found that the Learned Magistrate has taken cognizance only under sections 323, 341, 504 and 506 of IPC against the husband of the complainant only, but has not assigned any cogent reason as to why the allegations constituting offence under Section 498A IPC and Sections 3/4 of the Dowry Prohibition Act were ignored. The learned counsel for the petitioner submitted that the impugned order is bad in law as well as in facts and it is further submitted that at the stage of cognizance, the court is only required to see whether a prima facie case is made out from the complaint petition and materials collected during enquiry. A meticulous appreciation of evidence is neither required nor permissible at this preliminary stage. Where the allegations in the complaint and the statements of witnesses disclose cruelty and harassment in connection with demand of dowry, the learned Magistrate ought to have considered the applicability of Section 498A IPC and Sections 3/4 of the Dowry Prohibition Act. It is further submitted that the Learned Court has also erred in taking cognizance against husband only. Though, there is sufficient allegation against other co-accused persons.

5. On the other hand, learned counsel for the opposite parties while filing their rejoinder submitted that the impugned order is legal and passed on the basis of material available on

record and it is require no interference by this court.

FINDINGS

6. Considering the aforesaid facts and circumstances of the case and after perusal of the record, this court finds that there is a specific allegation against the husband in the complaint petition for demand 2 lakh rupees dowry and due to non-fulfillment of that the complainant was subjected to harassment, which is apparent from the complaint petition itself. Further there are four inquiry witnesses have been examined in this case, out of which, inquiry witness nos. 1 and 2 are happened to be parents of complainant, whereas inquiry witness nos. 3 and 4 are happened to be co-villagers and independent witnesses and all have supported the allegation of cruelty and harassment due to non-fulfillment of demand of dowry. They also stated that the complainant wants to live in the matrimonial home but she is not allowed to live by the accused persons.

7. I have considered the submissions and perused the lower court record. It is well settled that at the stage of taking cognizance or issuing process, the court is required only to ascertain whether the materials placed on record disclose a prima facie case for proceeding against the accused. The detailed appreciation of evidence is not warranted at this preliminary stage. In the judgment of the **Hon'ble Supreme Court passed in Sonu Gupta v. Deepak Gupta (2015) 3 SCC 424**, wherein it has been held that at the stage of summoning the accused the court has to see whether sufficient grounds exist for proceeding and not whether the evidence will ultimately lead to conviction. Similarly, in **State of Haryana v. Bhajan Lal 1992 Supp (1) SCC 335**, the **Hon'ble Supreme Court** has observed that where the allegations in the complaint prima facie disclose the commission of an offence, the criminal law should ordinarily be set in motion.

8. In the present case, the impugned order reflects non-consideration of material allegations regarding dowry demand and cruelty. The learned Magistrate appears to have mechanically ignored the ingredients attracting Section 498A IPC and Sections 3/4 of the Dowry Prohibition Act, though sufficient prima facie materials were available on record.

9. Accordingly, this Court is of the considered opinion that the impugned order dated 14.05.2025 suffers from illegality and material irregularity to the extent indicated above and is liable to be interfered with in revisional jurisdiction.

10. Hence, the revision petition is allowed.

11. The impugned order dated 14.05.2025 passed by the learned Judicial Magistrate,

Jamui in Complaint Case No. 537c/2025 is hereby set aside to the extent that cognizance has not been taken under Section 498A IPC and Sections 3/4 of the Dowry Prohibition Act.

12. The matter is remitted back to the learned court below for passing a fresh order on the point of cognizance in accordance with law after considering the allegations and materials available on record relating to offences under Section 498A IPC and Sections 3/4 of the Dowry Prohibition Act.

Let, a copy of this order be sent to the court concerned along with L.C.R. and the office is directed to deposit the record in the record room of Civil Courts, Jamui as per rules.

(Dictated)

(Sandip Singh)

Principal District & Sessions Judge, Jamui.

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