

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

**Criminal Revision No. 106/2024**  
(Arising out of Complaint Case No. 102c/2024)

Santosh Mandal S/o Shiv Mandal aged about 45 years.  
R/o Village- Thadi, P.S. – Sono, District.- Jamui.

..... Revisionist.

Vrs.

1. The State of Bihar.
2. Ram Mandal S/o Fagu Mandal
3. Parmeshwar Mandal S/o Khubhi Mandal
4. Ram Awatar Mandal S/o Parmeshwar Mandal
5. Parmanand Mandal S/o Parmeshwar Mandal

.....O.P. 1<sup>st</sup> Set.

O.P. Nos. 2 to 5 R/o Village- Thadi, P.S.- Sono, District- Jamui.

.....O.P. 2<sup>nd</sup> Set.

Dated: 26.05.2026

**ORDER**

1. The present criminal revision has been preferred by the revisionist, challenging the order dated 18.11.2024 passed by the Learned Civil Judge (Sr. Division), Jamui in Complaint Case No. 102c/2024, whereby, the cognizance has been taken only under section 417 of the I.P.C. against all the accused persons and cognizance under sections 420, 467, 468 and 471 of the I.P.C. has not been taken by the Learned Court below.
2. Heard learned counsel for the revisionist and perused the lower court records.
3. The short fact of this case is that the complainant Santosh Mandal lodged the instant complaint case against four accused persons under sections 420, 467, 468 and 471 of the I.P.C., alleging therein that both the complainant and accused are descendants of same ancestor namely Tip Lal, who is one of the recorded tenant of the land in dispute in the present complaint case and it is further alleged by the complainant that the accused persons executed sale deeds in respect of land beyond the extent of their lawful share. Hence, the present complaint case has been filed by the complainant but the Learned Magistrate failed to appreciate the material available on record and wrongly omitted to take cognizance under

sections 420, 467, 468 and 471 of the I.P.C. despite allegation that the accused persons executed sale deeds in respect of land beyond the extent of their lawful share.

4. The learned counsel for the petitioner submitted that the impugned order dated 18.11.2024 is not tenable in law as per the allegation made in complaint case and the material came during examination of inquiry witnesses. There is a prima facie case under section 420, 467, 468 and 471 of the I.P.C. but the cognizance has been taken only under section 417 of I.P.C.

5. On the other hand learned counsels for the State and opposite parties submitted that the impugned order is lawful and does not require any interference.

### **FINDINGS**

6. Considering the aforesaid facts and circumstances of the case and after perusal of the record, it is found that the core allegation against the accused persons is that being co-sharer, they sold land allegedly existing the extent of their respective share. It is not disputed that the parties are admittedly co-sharer in the property in question. The complainant itself does not indicate that the title and share of parties had been finally determined by any competent Civil Court.

It is further appeared that no civil suit for declaration of title, cancellation of sale deed, partition or determination of shares has been instituted by the complainant. The dispute, therefore, primarily concerns the extent of share and right of transfer by co-sharer in joint property.

7. It is well settled that criminal proceedings should not be permitted to convert a purely civil dispute into a criminal prosecution. Mere execution of sale deeds by co-sharers, even assuming that land in excess of their entitlement has been transferred, does not ipso facto constitute offences under Sections 420, 467, 468 and 471 IPC unless there are specific allegations and materials showing fraudulent or dishonest intention from the inception and fabrication of false documents.

8. The Hon'ble Supreme Court has repeatedly held that where the dispute substantially relates to civil rights and title over property, criminal law should not be used as a weapon of pressure. In the present case, determination of actual share and legality of transfer are matters essentially within the civil domain and at the stage of cognizance, it has only been seen by the Learned Court that whether a prima facie case is made out or not and at the stage of framing of charge it is seen that what offence is made and under which section charge has to be

framed.

09. This court after going through the contents of complaint petition, S.A. of complainant and material came during examination of three inquiry witnesses found that the learned Magistrate appears to have considered the allegations and materials in their proper perspective and found a prima facie case only under Section 417 IPC. At the stage of cognizance, the revisional court is not expected to substitute its own view unless there is patent illegality, perversity or material irregularity in the impugned order.

10. Upon careful consideration, this Court finds no illegality, jurisdictional error, or perversity in the impugned order warranting interference in revisional jurisdiction.

Accordingly, the revision petition is Rejected. The order dated 18.11.2024 passed by the learned Magistrate is hereby affirmed. The petitioner has liberty to raise all these points at the stage of framing of charges against the accused persons.

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.