

BRKH010040242024



Presented on : 09-05-2024
Registered on : 09-05-2024
Decided on : 13-03-2026
Duration : 1 year, 10 months, 4 days

IN THE COURT OF SESSIONS JUDGE, KHAGARIA

Present: Rajesh Kumar Bachchan, Sessions Judge

(Criminal Revision No. 43 of 2024)

Dated: 13.03.2026

In the matter of:

Shashi Ranjan @ Shashi Ranjan Jha,
S/o- Sri Hemkant Jha
R/o- Said Nagar Balu Gitti Road,
Near Sunil Tailor Chitragupta Nagar,
P.S. Laheriasarai, District-Darbhangha

.....Petitioner

VERSUS

1. The State of Bihar

.....O.P. No.1

2. Rani Jha,

W/o- Shashi Ranjan Jha,
D/o- Uday Kumar Mishra,
R/o- Shirinya, P.S. Gogari,
District- Khagaria

.....O.P. No.2

Rajesh Kumar Bachchan

Criminal Revision No.43 of 2024
Shashi Ranjan @ Shashi Ranjan Jha
vs. State of Bihar and Anr.
Date of Order: 13.03.2026

ORDER

1. The instant revision petition has been filed under Sections 399 and 397 of Cr.P.C. assailing the order dated 09.01.2024 rendered by the Court of Ld. Chief Judicial Magistrate, Khagaria (hereinafter referred as 'Ld. Trial Court') in Gogari P.S. Case No. 269/2018, G.R. No. 2210/2018 wherein cognizance has been taken for the offence punishable u/S. 498A, 313, 377/34 of I.P.C. against accused persons including the revisionist.

FACTUAL MATRIX

2. The circumstances giving rise to the instant revision petition are that informant got registered an F.I.R. on 11.08.2018 u/S. 498A, 313, 377/34 of I.P.C. and Section 3/4 of Dowry Prohibition Act. She has stated that she was married with Shashi Ranjan Jha/revisionist herein on 21.04.2008. When she had gone to her sasural after marriage she was kept well for one month thereafter she was tortured for demand of dowry. She was taken to Delhi by her husband and there also she was tortured. One baby boy was also born from their wedlock. In year 2011 her fetus was also aborted. Charge sheet was filed for the offence u/Ss. 498A, 313, 377/34 of I.P.C. Vide impugned order cognizance was taken and aggrieved by the same revisionist has filed the present revision petition.

Sub Chandra

ARGUMENTS

3. Ld. Counsel for revisionist has argued that the order passed by the ld. C.J.M., Khagaria is bad in law and on facts. For that, the order dated 09.01.2024 is based on conjectures and surmised. The offence u/s 313 of IPC cannot be established. The allegation of Section 377 of IPC is also not supported by affidavit or on any statement made before the Learned Court below. There may be other cogent legal grounds that may be urged at the time of its final hearing. Cognizance of offence against the father, mother and *dewar* under the aforesaid sections of IPC are not sustainable in the eye of law. He lastly prayed to set aside the order of cognizance dated 09.01.2024 u/s 313 and 377 of IPC.
4. Per contra, the P.P. for state and Ld. Counsel for O.P. No. 2 have submitted that impugned order is proper and revision petition is liable to be dismissed.
5. Heard. Perused the record.

POINT FOR CONSIDERATION

6. Now, the only point to be for considered by this Court is that whether there is any infirmity in the legality, propriety and correctness in the impugned order.



DISCUSSION, DECISION AND REASONS THEREOF

7. Contentions of revisionist is that offence u/S. 313 of I.P.C. can not be established without medical report and allegation of Section 377 of I.P.C. must be supported by affidavit or any statement made before Ld. Court below. Revisionist has not challenged cognizance for the offence u/S. 498A of I.P.C.
8. During investigation statements of informant, her father, brother, uncle and maternal uncle were recorded. These all have stated that her female fetus was aborted in year 2011. These witnesses have also stated that husband of the victim used to sexually exploit her unnaturally.
9. It is well settled law that while taking cognizance the magistrate is not required to record reasons explicitly and only he is required to be satisfied about sufficient grounds available on record to proceed and issue summons on basis of prima facie evidence available with the charge sheet. He is not required to examine the merits of the case and the material collected is sufficient for conviction of the accused.
10. It is trite to point out that the revisional jurisdiction is extremely limited and it can be exercised very sparingly and only where the decision under challenge is grossly erroneous, or there is non compliance of the provisions of law, or the finding recorded by the trial court is based on no evidence, or material evidence is ignored or judicial discretion is

exercised arbitrarily or perversely. Perusal of record does not warrant any interference in the impugned order.

11. In view of aforesaid discussion this court does not find merit in the revision petition. There is no infirmity in the legality, correctness and propriety of the impugned order. Criminal Revision No. 43/2024 is hereby **dismissed**. LCR be sent back to the Ld. Court below with a copy of this order

Dictated and corrected by me



(Rajesh Kumar Bachchan)

Sessions Judge,

Khagaria

Dated:13.03.2026