

In the Court of Sessions Judge, Munger
Criminal Revision No.- 30 of 2026

Bisho Mahto Vs. The State of Bihar & Others
Arising out of Complaint Case No. 650C/2024

15.05.2026

1. The present Criminal Revision has been preferred against the order dated 07.01.2026 (hereinafter the impugned order) as passed by the Ld. S.D.J.M., Munger in Complaint Case No. 650C/2024, wherein the Ld. Trial Court dismissed the complaint petition of the complainant/revisionist under Section 204(4) Cr.P.C. for non-filing of requisites of summon.
2. Briefly the complainant's case is that the revisionist Bisho Mahto had settled the marriage of his daughter, Pooja Kumari, with accused Fakki @ Raj Kishor Mahto (S/o Late Keshav Mahto). During the Tilak ceremony organized on 15.02.2023, a total amount of Rs. 2,80,000/- including Rs. 1,30,000/- cash, a golden ring, gold chain and costly clothes were given to the accused persons. That on 27.02.2023, the accused persons started demanding an additional two lacs rupees and a motorcycle as dowry which the complainant refused. Subsequently, the complainant became aware that the marriage of accused No. 1 was solemnized with another girl. That a Panchayat was held in the village wherein the accused persons agreed to return the said amount of Rs. 2,80,000/- to the complainant i.e. expenses incurred by him towards the abovesaid engagement. That the complainant has alleged that on 19.04.2024 when he again requested for the above said amount, the accused persons on the pretext him returning over the money took him to an isolated place where they physically assaulted him and threatened him of dire consequences. Hence, he preferred the present complaint case in which the Ld. Trial Court vide order dated 20.06.2025 took cognizance qua the accused persons u/ss 417, 323 and read with section 34 of I.P.C. and section 34 of D.P. Act and directed that the case be transferred to the Ld. Court of Sub-Divisional Judicial Magistrate, S.D.J.M., Munger. Thereafter the

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said Ld. Court of S.D.J.M., Munger due to absence of the complainant dismissed the case vide order dated 07.01.2026 and the same stands impugned in the present criminal revision.

3. The Ld. Counsel submits that on perusal of the cognizance order dated 20.06.2025 it would be apparent that the Ld. Court of A.C.J.M.-II, Munger had directed transfer of the record to the Ld. Court of S.D.J.M., Munger since section 34 of D.P. Act is exclusively triable by the said Court. However, from the order sheet it is apparent that even on 25.07.2025/27.09.2025 the Ld. Court of A.C.J.M.-II, Munger had again directed his office to transfer the record at once. That from the order sheet even on the said 25.07.2025/27.07.2025 the 'hazari' of the complainant has been recorded in the said order. However only when the record was transferred to the Ld. Court of S.D.J.M., Munger due to some confusion the complainant was not able to put his 'hazari' as seen from the order dated 25.10.2025/29.10.2025 and on the next date the case was dismissed vide the impugned order. That due to this transfer of record, there was confusion as is apparent from the ordersheet. That non-presence and non-compliance of the complainant is neither intentionally nor deliberate but only on account of the movement of the record. That sufficient opportunity had not been provided by the Ld. Court to the complainant towards complying with the directions. That if the impugned order is allowed to stand it would cause much injustice to the complainant. Hence, the Ld. Counsel pleads that the impugned order be set aside and the complainant be given fresh opportunity to pursue his case.
4. The Ld. Counsel for the accused persons had appeared and submits that the impugned order is free from any illegality and in any case the complainant has no case.

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5. The Ld. A.P.P. for the State opposed the prayer but fairly conceded that the Ld. Court of A.C.J.M.-II, Munger had also found a prima facie case and only due to transfer of the record it seems there was confusion and a fair opportunity to pursue the case has been denied to the complainant.
6. Heard the submissions of respective Ld. Counsels and perused the record of the case.
7. From the record, it appears that till 25.07.2025/27.07.2025 the complainant had filed his 'hazari' and only after transfer of the case record it seems the complainant has been shown as absent. Apparently, on perusal it does seem there is some confusion in the order sheet.
8. Therefore, considering the record of the case, the submissions of the respective Ld. Counsels, in the totality of the facts and circumstances of the case and in the interest of justice, in my view, a fair opportunity should be given to the complainant to pursue his case. Accordingly, the impugned order is hereby set aside and the complainant is directed to take proper steps in the case before the Ld. Court of S.D.J.M., Munger failing which the said Ld. Court may pass appropriate further orders. Hence, the present Criminal Revision is hereby **Allowed**.
9. Office is directed to sent the T.C.R back along with the copy of this order to the concern Court immediately.

Dictated

(ALOK GUPTA)
Sessions Judge, Munger
Dated:- 15.05.2026