

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 235/2025

Page no. 1

Criminal Revision No. - 235/2025
(Arising out of Complaint Case No.-701/2017)

1. Md. Faizuddin
2. Md. Mainuddin
3. Md. Nasrullah

.....**Revisionists/Petitioners.**

Vs

1. State of Bihar
2. Dr. Parwej Akhtar

.....**Opposite Parties.**

Ld. counsel for the revisionists: Dr. Pawan Kumar, Advocate.

Ld. counsel for the O.P No.-01 (State of Bihar) : Dr. B. Pathak, Addl. P.P.

Ld. counsel for the O.P. No. - 02 : Sri Priya Ranjan, Advocate.

Present:-

Raja Ram Santosh Kumar,
1st Additional Sessions Judge, Muzaffarpur.

ORDER

Dated:-24.06.2026

1. Heard both the sides. The present criminal revision petition has been filed by the revisionists namely, Md. Faizuddin, Md. Mainuddin and Md. Nasrullah, against the order dt. 17.12.2024, passed by the Id. Court of Sri Bhanu Pratap, J.M. 1st Class, Muzaffarpur (East), in connection with Complaint Case no. 701/2017, whereby, the Id. Court of Sri Bhanu Pratap, J.M. 1st Class, Muzaffarpur (East), has found prima facie case, for offences u/ss 420, 465, 467, 468/34 of the IPC, against the accused persons, namely, Md. Faizuddin, Md. Mainuddin and Md. Nasrullah and has ordered to issue summons against them, upon filing of requisites by the complainant.

2. The factual matrix, leading to filing of the present revision petition is that Complaint Case No.-701//2017 was filed by the Complainant Noorul Hoda, before the Court of Id. C.J.M, Muzaffarpur, which was subsequently transferred to the Id. Court of A.C.J.M.-13th, Muzaffarpur and after conducting enquiry, the Id. Court of A.C.J.M.-13th, Muzaffarpur, had

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 235/2025

Page no. 2

found prima facie case against the accused persons for offences u/ss. 417, 465, 467 and 120B of the I.P.C., vide order dated 18.07.2017. The order dated 18.07.2017, passed in complaint case no. 701/2017, by the Id. Court below, was assailed by the accused persons through the Criminal Revision No.-153/2017. The Id. revisional Court of 1st Addl. Sessions Judge, Muzaffarpur, had allowed the Criminal Revision No. - 153/2017, vide order dated 29.08.2019 and had thereby set aside the impugned order dated 18.07.2017, with certain observations and had directed the Id. Court below to conduct further inquiry into the matter and pass fresh order according to law on the basis of facts and materials brought on record after giving opportunity of hearing to the O.P. No. 02/complainant. Order dated 29.08.2019, passed by the Id. Court of 1st Addl. Sessions Judge, Muzaffarpur, in the Criminal Revision No. 153/2017, was assailed by the O.P. No.-02/complainant, before the Hon'ble High Court, Patna, through Criminal Revision No.-1449/2019. The Hon'ble High Court, vide order dated 22.08.2024, passed in the Criminal Revision No.-1449/2019, had disposed of the criminal revision petition affirming the second part of the impugned order (order dated 18.07.2017, in Criminal Revision No.-153/2017, passed by the Id. Court of 1st Addl. Sessions Judge, Muzaffarpur), whereby the trial Court was directed to conduct further inquiry into the matter and pass fresh order according to law on the basis of facts and materials brought on record after giving opportunity of hearing to the complainant. In the meanwhile, the Complaint Case No.-701/2017, was transferred to the Id. Court of Sri Bhanu Pratap, J.M. 1st Class, Muzaffarpur (East) for further proceedings and in compliance of order dated, 22.08.2024, passed by the Hon'ble High Court, in the Criminal Revision No.-1449/2019, the Id. Court below, after perusal of statements of the complainant on solemn affirmation and three other enquiry witnesses and also after hearing the complainant, has passed the impugned order, on dated, 17.12.2024, whereby and whereunder, the Id. Court of Sri Bhanu

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 235/2025

Page no. 3

Pratap, J.M. 1st Class, Muzaffarpur (East), has found prima facie case, against accused persons (revisionists), namely, Md. Faizuddin, Md. Mainuddin and Md. Nasrullah, u/ss 420, 465, 467, 468/34 of the IPC and has ordered to issue summons against them, upon filing of requisites by the complainant, stating therein that sufficient evidence and documents have been produced on behalf of complainant, during inquiry and there was sufficient material, on record for issuing summons against the accused persons (revisionists), for offences u/ss 420, 465, 467, 468/34 of the I.P.C., in connection with Complaint Case No. 701/2017. The Id. Court below has also held in the impugned order that no prima facie case is made out against the accused persons for offence u/s 120B of the I.P.C.

3. Being aggrieved and the dissatisfied by the impugned order, dated, 17.12.2024, passed by the Id. Court of Sri Bhanu Pratap, J.M. 1st Class, Muzaffarpur (East), in the Complaint Case No. - 701/2017, the revisionists have filed the instant revision application, mainly on the following grounds:-

I. That the impugned order has been passed by misapplying the law and relying on incorrect legal principles, against the settled principles of law and it is erroneous and also otherwise bad in law, resulting in grave miscarriage of justice and is liable to be set aside.

II. That the impugned order is manifestly erroneous and unsustainable, as it solely relies on unsubstantiated and contradictory claims of the complainant, despite of admitted failure of his civil claim over the same land and pendency of appeals i.e. Partition Appeal No. 23 of 2017 and Title Appeal No. 22 of 2017.

III. The the petitioner, Md. Nassirullah was a lawful co-sharer of the property in dispute and the registered power of attorney executed in his favour by his mother, brothers and sisters is a duly registered instrument, never challenged before any competent forum and such registration carries

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 235/2025

Page no. 4

a legal presumption of genuineness under section 85 of the Indian Evidence Act.

IV. That no effort was made by the complainant to obtain verification from the executors of the power of attorney or the registering authority, and the allegations of forgery are merely based on self-serving statements, devoid of independent corroboration.

V. That the municipal receipts attached to the registered sale deed are genuine, issued by the competent authority and forming an integral part of the registered deed and no inquiry or verification has been conducted by the learned court below to determine their authenticity.

VI. That the origin of ownership lies with Md. Sheikh Bashir Ahmad, as per the registered deed dated 13.12.1954, followed by lawful transfer only to the extent of 1/2 of his purchased land to the complainant and further litigation culminating in decrees, that go against the complainant's claim, thereby weakening his allegations in the criminal proceeding.

VII. That Id. Magistrate failed to appreciate the distinction between civil and criminal liability and erroneously interpreted pending civil disputes as justification for criminal prosecution, which amounts to abuse of process of law.

VIII. That the Id. Court below has failed to correctly appreciate the applicable legal principles and has disregarded the aforesaid binding directions issued by the Hon'ble Sessions Judge as well as the Hon'ble High Court and the impugned order, passed in contravention of such directives and without proper judicial application of mind, amounts to a grave miscarriage of justice and is liable to be set aside.

IX. That the order of Id. Court below is against the provision of law, based upon mere conjectures and surmises and there is glaring defect in procedure and manifest illegality in the order and there is gross miscarriage of justice and hence the order impugned is liable to be set aside.

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 235/2025

Page no. 5

4. On the basis of above mentioned grounds, the revisionists have submitted that the impugned order, dated, 17.12.2024, is improper, illegal and liable to be set aside and prayer has been made accordingly to set aside the impugned order.

5. L.C.R. was called for from the Id. Court of Sri Bhanu Pratap, J.M. First Class, Muzaffarpur (East), which was received in this Court in due course.

6. Perused the record, including the L.C.R. and also heard the rival contentions. It appears that the revisionists have filed the instant revision application for setting aside the order, dated, 17.12.2024, passed by the Id. Court of Sri Bhanu Pratap, J.M. First Class, Muzaffarpur (East), whereby, after enquiry, the Id. Court below has found prima facie case against accused persons (revisionists), u/ss 420, 465, 467, 468/34 of the I.P.C., in the Complaint Case No. 701/2017, on the basis of materials available on record, including the complaint petition, statement of the complainant on S.A., statements of other enquiry witnesses and documents filed on behalf of complainant. The O.Ps. No. 01 and 02 have opposed the prayer, made in the revision application and have submitted that the impugned order, dated, 17.12.2024, passed by the Id. Court below, is correct and it does not suffer from any illegality or infirmity. From perusal of the T.C.R. of the Complaint Case No.-701/2017, it further transpires that earlier, summoning order was passed in the Complaint Case No.-701/2017, on dated, 18.07.2017, by the Id. Court of A.C.J.M.- 13th, Muzaffarpur, against all the accused persons, including the present revisionists, finding prima facie case against them, u/ss. 417, 465, 467 and 120B of the I.P.C., on the basis of materials brought on record, during the enquiry proceedings. This summoning order was challenged by one of the accused persons, namely, Md. Faizuddin, in the Criminal Revision No.-153/2017. The Id. revisional Court of 1st Addl. Sessions Judge, Muzaffarpur, had allowed the Criminal Revision No. - 153/2017, vide order dated 29.08.2019 and had thereby set aside the

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 235/2025

Page no. 6

impugned order dated 18.07.2017, with certain observations and had directed the Id. Court below to conduct further inquiry into the matter and pass fresh order according to law on the basis of facts and materials brought on record after giving opportunity of hearing to the O.P. No. 02/complainant. Order dated 29.08.2019, passed by the Id. Court of 1st Addl. Sessions Judge, Muzaffarpur, in the Criminal Revision No. 153/2017, was assailed by the O.P. No.-02/complainant, before the Hon'ble High Court, Patna, through Criminal Revision No.-1449/2019. The Hon'ble High Court, vide order dated 22.08.2024, passed in the Criminal Revision No.-1449/2019, had disposed of the criminal revision petition affirming the second part of the impugned order (order dated 18.07.2017, in Criminal Revision No.-153/2017, passed by the Id. Court of 1st Addl. Sessions Judge, Muzaffarpur), whereby the trial Court was directed to conduct further inquiry into the matter and pass fresh order according to law on the basis of facts and materials brought on record after giving opportunity of hearing to the complainant. In the meanwhile, the Complaint Case No.-701/2017, was transferred to the Id. Court of Sri Bhanu Pratap, J.M. 1st Class, Muzaffarpur (East) for further proceedings and in compliance of order dated, 22.08.2024, passed by the Hon'ble High Court, in the Criminal Revision No.-1449/2019, the Id. Court below, after perusal of statements of the complainant on solemn affirmation and three other enquiry witnesses and also after hearing the complainant, has passed the impugned order, on dated, 17.12.2024, whereby and whereunder, has found prima facie case, against accused persons (revisionists), namely, Md. Faizuddin, Md. Mainuddin and Md. Nasrullah, u/ss 420, 465, 467, 468/34 of the IPC and has ordered to issue summons against them, upon filing of requisites by the complainant, stating therein that sufficient evidence and documents have been produced on behalf of complainant, during inquiry and there was sufficient material, on record for issuing summons against the accused persons (revisionists), for offences u/ss 420, 465, 467, 468/34 of the I.P.C.,

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 235/2025

Page no. 7

in connection with Complaint Case No. 701/2017. The Id. Court below has also held in the impugned order that no prima facie case is made out against the accused persons for offence u/s 120B of the I.P.C. Thus, the present revision application is second revision application on the same subject matter. The impugned order, dated, 17.12.2024, has been passed by the Id. Court below, in compliance of the direction of the Hon'ble High Court, in the Criminal Revision No.-1449/2019. It also appears that the Id. Court below has passed the impugned order, after applying his judicial mind and hearing the complainant, as directed by the Hon'ble High Court. It is settled principle of law that at enquiry stage of a complaint case, no detailed appreciation of evidence is required and at this stage, it has to be seen as to whether a prima facie case is made out or not. In view of this revisional Court, the impugned order, dated, 17.12.2024, passed by the Id. Court below in the Complaint Case No. 701/2017, is a reasoned and speaking order and is based on the materials available on record. It further appears that the revisionists have assailed the impugned order, despite of the fact that it has been passed in the light of direction of the Hon'ble High Court, in the Criminal Revision No. 1449/2019.

In view of this discussion and for the reasons mentioned above, this court finds no infirmity or patent illegality in the impugned order, dated, 17.12.2024, passed by the Id. Court of Sri Bhanu Pratap, J.M. First Class, Muzaffarpur (East), in Complaint Case No. 701/2017, and the same does not warrant any interference, by this court, in its revisional jurisdiction. The instant **revision petition** is accordingly, **dismissed**.

Let a copy of this order be sent to the court below, alongwith the T.C.R.

(Dictated)

Sd/-

(Raja Ram Santosh Kumar)

1st Addl. Sess. Judge,

Muzaffarpur.