

Ms. Namita Singh, Addl. Sessions Judge I, Biharsharif, Nalanda.

Criminal Revision no. 20 of 2026

[Arising out of order dated 16.02.2026 in Complaint Case No. 732 C/2025]

Praveen Kumar versus The State of Bihar and anr

Revisionist	1. Praveen Kumar, aged about 39 years s/o Rajeshwar Prasad r/o Mohalla Dhaneshwar Ghat, PS – Bihar, Nalanda
Represented by	1. Sri Narendra Pathak, advocate 2. Sri Ram Shankar Prasad, advocate 3. Sri Sanjeev Kumar, advocate 4. Sri Mehar Naaz, advocate
Respondent	1. The State of Bihar 2. Pradeep Kumar s/o Ram Praves Prasad r/o village Maghra PS- Deepnagar, Nalanda 3. Sunil Kumar, Director Wellness Club Gym, Ranchi Road, PS – Laheri, Nalanda
Represented by	1. Sri SM Aslam, Addl. P.P. 2. Sri Ranjit Kumar, advocate
Date of impugned order	16.02.2026
Date of Filing of Revision Petition	24.02.2026
Date of admission of Revision application	18.03.2026
Date on which order is reserved	08.07.2026
Date of the order	20.07.2026

<i>Date of order of proceeding</i>	<i>Order with the signature of the court</i>	<i>Office action taken with date</i>
20.07.2026	The present criminal revision has been preferred against the order dated 16.02.2026 passed by the learned Judicial Magistrate, 1st Class, Biharsharif in Complaint Case No.732(C)/2025 whereby the complaint petition filed by the revisionist has been dismissed under Section 226 of the Bharatiya	

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cont... 20.07.2026	Nagarik Suraksha Sanhita, 2023. Learned counsel for the revisionist submitted that the impugned order suffers from illegality as well as material irregularity and has been passed without proper appreciation of the materials available on record. It was submitted that the complaint petition, the statement of the complainant recorded on solemn affirmation and the deposition of the inquiry witness consistently disclose that accused no.1 sold the scooter to the complainant after receiving the entire sale consideration of Rs.75,000/- and handed over only one key assuring that the second key would be delivered subsequently. It was further submitted that despite repeated requests, the accused persons deliberately withheld the second key and compelled the complainant to deposit Rs.2,800/- towards pending challan for transfer of the vehicle. It was also argued that when the complainant demanded the second key, both the accused persons abused and threatened him. Learned counsel further submitted that the written reply filed on behalf of the accused persons itself admits that the second key had been lost, thereby lending support to the complainant's case. It was contended that at the stage of inquiry the learned Magistrate was only required to ascertain whether sufficient grounds existed for proceeding against the accused persons and not to appreciate the evidence as if deciding the case finally. According to the revisionist, the impugned order is based on an erroneous appreciation of law and facts and is liable to be set aside. Per contra, learned counsel appearing for the opposite parties supported the impugned order and submitted that the learned Magistrate has passed a well-reasoned order after considering the complaint petition, the	
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cont... 20.07.2026	statement on solemn affirmation, the inquiry evidence and the written replies filed by the accused persons. It was submitted that the scooter admittedly stands transferred in the name of the complainant and is in his possession. The only grievance raised by the complainant relates to the second key of the vehicle and reimbursement of Rs.2,800/- allegedly paid towards challan, which at best gives rise to a civil dispute. It was further submitted that there is absolutely no material to indicate that accused no.1 had any dishonest or fraudulent intention at the inception of the transaction so as to constitute the offence of cheating. So far as accused no.2 is concerned, it was submitted that he was neither the owner of the vehicle nor a party to the transaction and has been unnecessarily implicated. It was, therefore, argued that no illegality or perversity has been committed by the learned Magistrate warranting interference in exercise of revisional jurisdiction. Considered the rival submissions and carefully perused the Trial Court Records. From the materials available on record, it appears that the complainant purchased one Yamaha Ray ZR scooter from accused no.1 after paying a sum of Rs.75,000. It is not in dispute that possession of the vehicle was delivered to the complainant and the ownership of the vehicle has subsequently been transferred in his name. Thus, the transaction of sale substantially stands concluded. The grievance of the complainant is essentially that the second key of the scooter was not delivered and that he was required to deposit Rs.2,800 towards pending challan, which has not been reimbursed. The allegations regarding abuse and criminal intimidation are stated to have arisen	
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cont... 20.07.2026	subsequently when the complainant demanded the second key. It is well settled that the offence of cheating is made out only where the dishonest or fraudulent intention exists at the very inception of the transaction. Mere failure to fulfil a promise or subsequent breach of an understanding does not by itself constitute the offence unless the intention to deceive existed from the very beginning. Nothing has been brought on record during inquiry to prima facie indicate that accused no.1 had any such dishonest intention at the time of entering into the transaction. On the contrary, the admitted transfer of ownership of the vehicle in favour of the complainant indicates that the transaction was acted upon by both parties. Similarly, the allegation regarding payment of Rs.2,800 towards challan and non-delivery of the second key primarily relates to performance of obligations arising out of the sale transaction. Such allegations, in the facts of the present case, do not by themselves disclose the commission of any criminal offence and appear to be matters for which the complainant may have an appropriate remedy elsewhere in accordance with law. So far as the allegations of abuse and criminal intimidation are concerned, the complaint petition, the statement on solemn affirmation and the deposition of the inquiry witness disclose that the alleged occurrence took place during the course of the dispute regarding delivery of the second key. The allegations are general in nature and do not disclose such specific acts as would independently constitute sufficient grounds for proceeding against the accused persons for the offences alleged.	
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cont... 20.07.2026	The learned Magistrate has discussed the complaint petition the inquiry evidence and the written replies filed by the accused persons and has assigned reasons for arriving at the conclusion that the essential ingredients of the alleged offences are not made out. The findings recorded in the impugned order are based upon the materials available on the record and cannot be said to be either perverse or suffering from any material illegality. The scope of revisional jurisdiction is limited. Unless the impugned order suffers from patent illegality, jurisdictional error or material irregularity resulting in miscarriage of justice, interference is not called for. No such infirmity is discernible in the impugned order. Accordingly, no ground is made out for interference with the order dated 16.02.2026 passed by the learned Judicial Magistrate, 1st Class, Biharsharif in Complaint Case No.732(C)/2025. The criminal revision is, accordingly, dismissed. The impugned order dated 16.02.2026 is hereby affirmed. Let the Trial Court Records be sent back forthwith along with a copy of this order. Sd/- (Namita Singh) Add. Sess. Judge -I Biharsharif, Nalanda 20.07.2026	
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