

District - Nalanda
IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, NALANDA,
BIHARSHARIF

Present : Gurvinder Singh Malhotra,
Principal District & Sessions Judge,
Nalanda, Biharsharif.

CRIMINAL REVISION No. 59 OF 2025

(Arising out of order dated 20.02.2025 passed by Ms. Akansha Anand, Ld. J.M.F.C., Biharsharif, Nalanda in Complaint Case No. 187(C)/2024)

Dated, the 02nd day of May, 2026.

Ramanand Pandey**Revisionist.**

Versus

1. The State of Bihar

2. Shiv Balak Pandey

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

Lawyer for Revisionist : Sri Biren Kumar, Ld. Advocate

Lawyer for opposite party (State): Md. S.N. Aslam, Ld. Addl.P.P.

Lawyer for O.P. No. 2 : Sri Deepak Kumar Rastogi, Ld. Advocate

Order

1. This Criminal Revision has been preferred by the revisionist under the provision of Section 438 of the B.N.S.S. against the order dated 20.02.2025 passed by Ms. Akansha Anand, Ld. J.M.F.C., Biharsharif, Nalanda in Complaint Case No. 187(C)/2024 to set aside the aforesaid order.

2. It is inter alia submitted on behalf of the revisionist that the petitioner is a retired employee of Civil Court, Nalanda. That the court below has failed to consider that the occurrence is said to had taken place in the office of the Head Clerk of the Civil Court namely Hira Chaudhary, which is not accessible to every body and as such the presence of E.W. Bhushan Pandey, Rajkumar Pandey and Arvind Pandey appears to be doubtful but this aspect of the matter which not taken into consideration by the learned court below. That the falsity of the occurrence will be apparent from the statement of E.W. No. 1, Arvid Pandey, who has stated to court question in para 10 that the petitioner had borrowed the money six months prior to the alleged occurrence but in para 11, he has stated that since last one year, the Complainant was demanding the borrowed amount from the petitioner. That it also sound absurd that the Enquiry witnesses claimed to be the present at the time of

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borrowing money as well as the alleged occurrence. That the natural witness Head Clerk namely Hira Chaudhary and other staffs present, they have not come to supported the alleged occurrence. That the allegation of borrowing Rs. 80,000/- for the treatment of the wife of the petitioner is entirely false. That the Complainant has deliberately concealed the fact that as a matter of fact, this petitioner has lodged Bihar P.S. Case No. 976/23 against the Complainant. That the procedural law has got retrospective effect. In the present case, the occurrence has taken place on 09.11.2023, i.e., prior to enforcement of B.N.S.S., which came in force on 01.07.2024 but the cognizance was taken on 20.02.2025, i.e., much after the enforcement of B.N.S.S. That so far as the cognizance u/s 417 I.P.C. is concerned that is also bad in law. That from the aforesaid facts and circumstances, it appears that the present case has been lodged after inordinate delay only with a view to make counter version of the case lodged by the petitioner against the complainant. Accordingly, prayer has been made to set aside the impugned order.

3. On the other hand, on behalf of State, Ld. A.P.P. has opposed the contentions advanced by the revisionist.

4. In this case O.P. No. 2 has appeared and has also filed his rejoinder petition.

5. Heard the learned lawyer for the revisionist, the learned A.P.P. for the State as well as the learned lawyer for the Opposite Party No. 2 and also perused the L.C.R. as well as the joint compromise filed by the parties today, i.e., 02.05.2026.

This criminal revision has been preferred against the order dated 20.02.2025 passed by the learned J.M.-Ist Class whereby cognizance has been taken against the revisionist for the offences u/s 323, 379, 504, 417 of the I.P.C. and summons have been directed to be issued on the basis of solemn affirmation of the Complainant and the statement of Enquiry Witnesses.

During the pendency of the present revision, both parties appeared before this court and jointly submitted that the matter has been amicably settled between them and prayed that the case be referred to Mediation Center and accordingly, the matter was referred to Mediation Center where both the parties voluntarily entered into the compromise. The Mediation report dated 23.07.2025, has been received and has been taken on record.

It is worth to mention here that the offences involved are of compoundable nature u/s 320 of the Code of Criminal Procedure, 1973. However, it is settled law

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that the power of the compounding is to be exercised by the learned Trial Court before, which the proceeding is pending. This court is primarily concerned with checking the legality, correctness and propriety of the impugned order and should not ordinarily record compounding itself.

In view of the compromise between the parties and in the interest of justice, it would be appropriate to send the parties to the learned Trial Court for getting recorded their compromise in accordance with law.

6. It is therefore ordered that this criminal revision is disposed of with the following directions:-

The revisionist and the O.P. No. 2 are directed to appear before the court of learned J.M.F.C. concerned on the next date, the learned Magistrate shall verify the compromise filed by the parties and in the light of Mediation Report, pass an appropriate order in accordance with law satisfying himself about the voluntariness and genuineness of compromise.

7. With the aforesaid observation, this criminal revision is hereby **disposed of**. Let a copy of this order along with L.C.R. be transmitted to Ld. Court below forthwith and the order be uploaded on CIS immediately.

(Dictated & corrected by me)

(Dictated)

Sd/-

Sd/-

(Gurvinder Singh Malhotra)
Principal District & Sessions Judge,
Biharsharif, Nalanda,
02.05.2026

(Gurvinder Singh Malhotra)
Principal District & Sessions Judge,
Biharsharif, Nalanda,
02.05.2026