

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, HILSA
DISTRICT- NALANDA

Present:- Deepak Kumar Yadav
Additional Sessions Judge-III
Hilsa, Nalanda

FORM-A

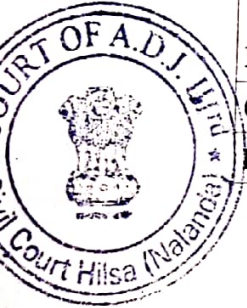
In The Court of Additional Sessions Judge-III, Hilsa (Nalanda)

Present:- Deepak Kumar Yadav
Additional Sessions Judge-III
Hilsa, Nalanda

Date of Order, 01st, July, 2026

Criminal Revision No:- 157/2025
Parwalpur P.S. Case No. 199/2018
Gr. No. 2301 of 2018

Revisionist	1. Gopji s/o Amirak Prasad, age about 28 years. 2. Saroja Devi w/o Amirak Prasad, age about 55 years. Both r/o Village- Tarabigha, P.S.- Parwalpur, Distt- Nalanda.
Represented by	Mr. Birendra Prasad, Learned Counsel
Opposite Party	1. State of Bihar
Represented by	Mr. Braj Mohan Prasad, Learned S.D.P.O.



ORDER
DATED- 01/07/26

- The petitioners / Revisionist herein above have preferred this revision against the order dated 15/06/23 passed by Learned A.C.J.M. IIIrd, Hilsa, in connection with Gr. Case No. 2301/2018 arising out of Parwalpur P.S. Case No- 199/18 wherein he found prima-facie case and took cognizance U/s 341,323,504,379,307/34 of I.P.C. against above named accused -petitioners and ordered to issue summons against them.*
- The petitioners-revisionists state that on the basis of first information report lodged by informant Sunita Devi, Parwalpur P.S. Case No. 199/18 was registered on 15/12/18 u/s 341,323,504,379,307/34 of I.P.C. against above named petitioners.*

3. The prosecution story in brief is that on 15/12/18 at around 4:00 a.m. in morning when informant was returning from nature's call, meanwhile accused Saroja Devi and her son Gope ji came and Saroja Devi caught and pushed her (informant) on ground and Gope ji assaulted her (informant) with iron rod consequently she sustained bleeding head injury. They also snatched her golden chain and a mobile phone also. On commotion the villagers gathered then the accused persons fled away. The F.I.R was lodged accordingly.

4. After completing investigation the investigating officer has submitted charge-sheet u/s 341, 323, 504/34 of I.P.C against above named accused persons, but deviating from the charge-sheet the then ld. A.C.J.M. IIIrd vide order dated 15/06/23 took cognizance against both accused persons u/s 341, 323, 504, 379, 307/34 of I.P.C. and ordered to issue summons against all of them. Being aggrieved and dissatisfied with that order the revisionists preferred this criminal revision.

5. Heard ld. Counsel on behalf of state and revisionists. The grounds for revision is that ld. ACJM has not applied his legal approach and passed the order in very mechanical and routine manner. After thorough investigation the investigating officer found the incident true only u/s 341, 323, 504/34 of I.P.C and submitted charge-sheet u/s 341, 323, 504/34 of I.P.C against both revisionists but the ld. A.C.J.M differed from the investigation report and took cognizance of offence u/s ,341, 323, 504, 379, & 307 of I.P.C that too without specifying any reason from such deviation which is against the mandate of criminal jurisprudence. Apart from that the ld. Counsel also specify that there is lack of sufficient evidences on case-diary to take cognizance u/s 379 & 307 of I.P.C. and the cognizance was taken only upon conjectures and surmises that too without assigning any valid reason on record. Accordingly ld. Counsel for revisionists to allow the revision petition.

Ld. Counsel for state vehemently opposed the contentions of the revisionists and contended that the order dated 15/06/23 passed by Ld. ACJM is well versed, maintainable and passed as per law after perusing the material available on record. ld. Counsel prayed to reject the revision petition filed on behalf of accused / revisionists.

6. Having perused the revision petition and after hearing the Ld. counsel for both sides, it transpires that in this case initially the F.I.R was lodged u/s 341,323,504,379,307/34 of I.P.C. against above named petitioners. After due investigation charge-sheet was submitted only u/s 341,323,504/34 of I.P.C. against them. Thereafter Ld. ACJM by its order dated 15/06/23 took cognizance of the offences u/s 341,323,504,379,307/34 of I.P.C.



7. On bare perusal of case-diary, it transpires that apart from informant four other witnesses have been examined in this case which includes Ravindra Prasad, Rajaram Prasad, Rajiv Ranjan Prasad, and Sunil Prasad. None of them supported the fact of theft or snatching golden chain or mobile phone. On perusal of the injury report of injured Sunita Kumari it transpires that she sustained a single lacerated injury of size $1\frac{1}{2}$ " x $\frac{1}{2}$ " x $\frac{1}{2}$ " on mid left upper part of forehead which was simple in nature and caused by hard & blunt object. It is well-accepted norm that if the magistrate taking cognizance deferred his opinion from the case-diary and charge-sheet and take cognizance deviating from imposed sections in charge-sheet that order must be speaking and reasoned one. Section 307 of I.P.C impose graver punishment and the court has to be satisfied that there is sufficient evidence to establish a fact which raise a presumption that there were intention of causing death unless controverted.

8. Under the circumstances therefore, I am of the opinion that the present revision petition has merit. The order taking cognizance dated 15/06/23 passed by the then Learned A.C.J.M. IIIrd, Hilsa, in connection with Gr. Case No. 2301/18 arising out of Parwalpur P.S. Case No- 199/18 is unjustified and accordingly set aside. The ld. Judicial Magistrate is directed to pass afresh order in the light of observations made above. Above Criminal revision is allowed accordingly.

Office clerk is directed to sent the Copy of the order along-with L.C.R. to the concerned court. The Criminal Revision file be consigned to record room after compliance of other necessary legal formalities.

(Deepak Kumar Yadav)
Addl. Sessions Judge-III
Hilsa, Nalanda
Date: 01-07-2026



Deepak Kumar Yadav

Date of Judgment/Order	01.07.2026
Date of Reserving Judgment/Order	01.07.2026
Uploading Date	02.07.2026
Uploaded by	Saikat Kumar [D.E.O.]