

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE, NAWADA
DISTRICT-NAWADA, BIHAR
[CRIMINAL REVISION NO. 38/2024]**

(Arising out of summoning order dated 10.11.2023 passed by Ld. Chief
Judicial Magistrate, Nawada in Nagar P.S Case No. 105/2023)

IN THE MATTER OF:-

Status of the parties
before this Court

Revisionist

1. Smt. Umesh Sinha,
W/O- Laxmi Narayan Prasad
R/O Vill/Moh- Navin Nagar, P.S.-Nawada, Distt.- Nawada

Status of the parties
before the Trial Court

Accused

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

Vrs.

1. The State of Bihar
2. Armrendar Kumar Sinha, S/O- Reetlal Prasad
R/O Vill- Dhobghati, PS- Akbarpur, Distt- Nawada at present residing at
Moh- Ramkrishna Nagar, Patna, P.S & Distt- Patna.

..... **Opposite parties**

Counsel for the petitioner:- Shri Saryu Prasad Yadav, Ld. Adv.

Counsel for the opposite Party No.-1 :-Shri Manoj Kr. Singh, Ld. P.P.

Counsel for the opposite Party No.-2 :- Shri Ramakat Kumar, Ld. Adv.

Date of order: 12.03.2026

Present: Ashutosh Kumar Jha,
Principal Sessions Judge,
Nawada.
12.03.2026

ORDER

1. The present Revision has been preferred under section 397/399 of
Cr.P.C. impugning the order dated 10.11.2023 (herein after called impugned

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order) in which Ld. C.J.M., Nawada took cognizance of offence U/Ss.-447,341,323,504,506,34 of the I.P.C. against O.P. No.-2 Amrendra Kumar Sinha.

2. Feeling aggrieved by the aforesaid impugned order, the present revision petition has been preferred by the Revisionists on the grounds as set out in the petition. The main contention of the Revisionist is that Ld. C.J.M. without appreciating the facts and circumstances of the case as well as failed to peruse the case diary and injury report and C.T. Scan of the injured/informant (revisionist herein), wrongly took the cognizance 447,341, 323,504,506,34 of the I.P.C. against O.P. No.-2 Amrendra Kumar Sinha as sufficient material are available on the record for taking cognizance u/s-307/354(A), 379 I.P.C. against the accused person. The impugned order is not well reasoned and speaking order and Ld. C.J.M. not applied his judicial mind.

3. Ld. P.P. stated that if cognizance based on the police report then Ld. C.J.M. need not pass speaking order at the time of taking cognizance. It is also submitted by Ld. P.P. that there is no illegality in the cognizance order of ld. magistrate and revision petition filed by the petitioners is only for protracting trial and same should be dismissed.

4. Learned counsel for the Revisionist and Ld. Counsel for the O.P. No.-2 is present. I have heard Ld. P.P. and perused the Trial Court record.

5. It appears from the perusal of case record and impugned order that Ld. C.J.M. passed cognizance order on the basis of perusal of case diary and

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injury report. From the injury report and medical opinion, it is evident that the informant sustained only two injuries, namely (i) Bruise over right forearm and (ii) Abrasion over forearm, and both have been opined to be simple in nature. In view of the discussions made hereinabove, this Court finds that the learned Chief Judicial Magistrate, Nawada has duly considered the materials available on record while passing the impugned order dated 10.11.2023. There is no material on record to prima-facie suggest the commission of offences punishable under Sections 307, 354(A) or 379 of the Indian Penal Code. The nature of injuries, as well as the attending circumstances, do not indicate any intention or knowledge attributable to the accused to cause death or commit offences of the aforesaid gravity. Accordingly, this Court is of the considered opinion that the learned court below has rightly taken cognizance under Sections 447, 341, 323, 504, 506 and 34 of the Indian Penal Code against O.P. No. 2, namely Amrendra Kumar Sinha, and no illegality, irregularity or impropriety is found in the impugned order. Hence, cognizance order is perfectly valid in eye of law and need no interference.

6. Present Revision petition is, accordingly **dismissed**, with above observations.

7. Nothing stated herein shall tantamount to have an expression of opinion of the merits of the case.

8. A copy of the order be sent to court of Ld. C.J.M., Nawada along with Trial Court record.

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9. File related to Revision petition be consigned to the Record Room.

Dictated and corrected by me.

Ashutosh Kumar Jha
Principal Sessions Judge,
Nawada
12.03.2026

Ashutosh Kumar Jha
(Ashutosh Kumar Jha)
Principal Sessions Judge,
Nawada
12.03.2026