



BRPA010073612026

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 310 of 2026

Kundan Singh, S/o Late Kamakhya Narayan Singh
R/o:- Flat No. 505, Sigma C Sahara City, Mango,
Purbi Singhbhum, Jharkhand. A/P:- Flat No. 406,
Raj Ballav Kunj Apartment, CDA Colony Raj Banshi
Nagar, P.S.- Shastri Nagar, District- Patna.

..... Petitioner

Versus

- 1. The State of Bihar**
- 2. Future Generali India Insurance Company Ltd. through**
Abhishek Bhashan, S/o Shashi Bhasan,
- 3. Rajesh Kumar, S/o Jaya Kant Jha**
R/o:- Flat No. J-11/2, Road No. 11, Adityapur-2,
near Hanuman Mandir, P.S.- RIT, District- Saraikela, Jharkhand.

..... Opposite Parties

Counsel for the Petitioner :- Sri Bijay Bhanu, Advocate
Counsel for the State :- Sri Rajesh Kumar, P.P.

ORDER

04.06.2026

1. The present criminal revision application has been filed on behalf of the **petitioner, Kundan Singh**, complainant in Complaint Case No. 7984(C)/2022, challenging the order dated 27.01.2026 passed by Ms. Garima Singh, learned Judicial Magistrate, 1st Class, Patna, whereby the complaint case was dismissed under Section 256 Cr.P.C.
2. Heard learned counsel appearing on behalf of the petitioner, learned counsel representing the State and perused the documents appended to the instant criminal revision application.
3. Learned counsel for the petitioner submits that the order dated

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27.01.2026 is unsustainable in law as well as on facts, and therefore deserves to be set aside. It is argued that the learned Chief Judicial Magistrate, Patna, had earlier transferred the complaint case under Section 192 Cr.P.C. for inquiry and trial, and upon inquiry, on 24.03.2023, a prima facie case was found under Sections 323, 504, and 420 IPC against the accused. Subsequently, on 24.04.2023, the accused filed petitions under Sections 205 and 305 Cr.P.C., which were fixed for hearing. Meanwhile, the Hon'ble High Court stayed proceedings against one of the accused in Criminal Misc. No. 30485 of 2023. As a result, the petitioner did not pursue the case on the dates fixed, and the learned Magistrate dismissed the complaint under Section 256 Cr.P.C. on 27.01.2026. Learned counsel contends that the trial court ought to have considered that stay was granted by the Hon'ble High Court and erred in dismissing the complaint.

4. *Per contra*, learned counsel for the State argues that the impugned order is legally sound, free from infirmity, and does not warrant interference in revisional jurisdiction. It is submitted that the proceeding of the Complaint Case No.7984(C)/2022 was stayed qua another accused and not against the petitioner, therefore the petitioner was obliged to appear before the learned trial court in the said complaint case.

5. Before delving into the legality of the impugned order, it would be prudent to refer to section 256 of Cr.P.C., as under:

1. If the summons has been issued on complaint and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall notwithstanding anything hereinbefore contained, acquit the accused unless for some reason he thinks it proper to adjourn the hearing

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*of the case to some other day;
Provided that where the complainant is represented by a pleader or by the officer conducting the prosecution or where the Magistrate is of opinion that the personal attendance of the complainant is not necessary, the Magistrate may dispense with his attendance and proceed with the case.*

2. The provisions of Sub-Section (1) shall, so far as may be, apply also to cases where the non-appearance of the complainant is due to his death.

6. Upon careful consideration of the facts, it is evident that the complainant has remained absent since 2023 without assigning any reason, nor has any petition for adjournment been filed. This clearly indicates lack of interest in pursuing the matter. Even otherwise Criminal Miscellaneous No. 30485 of 2023 in which the proceeding was stayed, relates only to another co-accused namely, Anup Rau Velamuri, which has been disposed of, and this complaint case proceeded after disposal of Criminal Miscellaneous No. 30485 of 2023 also, for one year and five months. Furthermore, contention made on behalf of petitioner that this court should have appreciated that there is a stay against co-accused by the Hon'ble High Court vide order dated 23.07.2024 passed in Criminal Miscellaneous No.30485/2023 and therefore the petitioner was not pursuing the present application is not tenable as such stay order was not qua the petitioner. Furthermore, the trial court had afforded ample opportunity to the complainant to appear and take necessary steps, but no effort was made.

7. In view of the above discussion, this Court finds that the order dated

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27.01.2026 does not suffer from any illegality, irregularity, or manifest impropriety warranting interference in revisional jurisdiction.

8. Accordingly, the present criminal revision application, being devoid of merit, is **dismissed**.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	04.06.2026
Date of Reserving Order	03.06.2026
Uploading Date	04.06.2026
Uploaded by	Vinod/-