

IN THE COURT OF SESSIONS JUDGE, PATNA

Criminal Revision No. 809 of 2025

Anisha Devi, W/o Upendra Singh
R/o:- Mohalla- Dashratha, P.S.-Beur, District- Patna

..... **Petitioner**

Versus,

1. The State of Bihar
2. Rewa Sinha, W/o Ranjan Kumar Sinha
R/o:- House No. 24, Shahid Ram Govind Singh Path-I,
Anishabad, P.S.- Beur, District- Patna

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

Counsel for the Petitioner : **Sri Purusottam Sharma, Advocate**
Counsel for the State : **Sri Rajesh Kumar, P.P.**

ORDER

06.03.2026.

1. The present criminal revision application has been filed by the **petitioner, Anisha Devi** (accused in Complaint Case No. 3835/2022), challenging the order dated 08.10.2025 passed in Complaint Case No. 3835(C)/2022 by Ms. Neha Kumari Bhalotia, learned Judicial Magistrate, 1st Class, Patna, wherein the petitioner's application under Section 258 Cr.P.C. was rejected.
2. Heard the learned counsel for the petitioner, the learned Public Prosecutor for the State and perused the relevant documents as annexed with the criminal revision application.
3. Learned counsel for the petitioner contends that the trial court committed both factual and legal errors while passing the impugned order dated 08.10.2025. It is submitted that the trial court failed to properly consider the petitioner's submissions.
4. Per contra, learned counsel for the State argues that the impugned order is legally sound, free from infirmity, and therefore does not call for any interference.
5. Perused the impugned order, as well as the criminal revision application along with its annexures and heard learned counsel for the petitioner as well as

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learned counsel for the State.

6. Before proceeding further, it is appropriate to examine the relevant statutory provision and judicial approach regarding discharge of an accused. Section 258 Cr.P.C. is reproduced below for ready reference.

258. Power to stop proceedings in certain cases. In any summons-case instituted otherwise than upon complaint, a Magistrate of the first class or, with the previous sanction of the Chief Judicial Magistrate, any other Judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment and where such stoppage of proceedings is made after the evidence of the principal witnesses has been recorded, pronounce a judgment of acquittal, and in any other case, release the accused, and such release shall have the effect of discharge.

7. Section 258 of the Code of Criminal Procedure, 1973 (CrPC), which empowers a Magistrate to stop proceedings in a summons case, is explicitly and consistently held by Courts to be inapplicable to cases instituted upon a private complaint. The statutory language of Section 258 CrPC itself limits its application to summons cases 'instituted otherwise than upon complaint'. This distinction is crucial in criminal procedure, differentiating cases initiated by police reports from those filed directly by a complainant under Section 200 CrPC.

8. Cases such as *Deevi Srinivasa Sai Radha Lakshmi and Ors. vs. State of Andhra Pradesh and Ors.* (**MANU/AP/0228/2015**), *Coastal Wartsila Petroleum Limited vs. Standard Ferro Alloys Private Limited and Ors.* (**MANU/AP/0860/2010**), and *Mehta Prafulchandra Kalidas vs. Patel Cheljibhai Kalidas and Ors.* (**MANU/GJ/0610/2005**) unequivocally affirm this principle. These judgments, often citing Supreme Court precedents like *John Thomas v. K. Jagadeesan*, establish that Magistrates lack the power under Section 258 CrPC to stop proceedings or discharge an accused in a complaint case. The rationale is rooted in the legislative intent to provide different procedural safeguards and mechanisms for cases initiated by the State (police reports) versus those by private individuals (complaints).

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9. In view of the foregoing discussion, the case at hand being a complaint case, Section 258 Cr.P.C. shall not be applicable, as such, the learned trial court rightly rejected the application of the accused-petitioner under Section 258 Cr.P.C.

10. Accordingly, this criminal revision is hereby **dismissed**.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna.

Date of Judgment/Order	06.03.2026
Date of Reserving Judgment/Order	25.02.2026
Uploading Date	06.03.2026
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