

In the Court of District & Addl. Sessions Judge-I, Danapur, (Patna)

Criminal Revision No. 576/2025

Present-Shri Kumar Gunjan
Additional Sessions Judge-I,
Danapur.

Nutan Kumari @ Kumari Nutan

...Revisionist

Vs.

The State of Bihar & Ors.

...Opp. Parties

Learned Counsel for the revisionist:-

... Miss Vidya Lakshmi, Advocate

Learned Counsel for the State of Bihar:-

... Shri Ramkeshwar Prasad Singh (A.P.P)

Date of Judgment- 24-04-2026

Judgment

1. The instant revision has been preferred being aggrieved by the order dated 09-04-2024, passed by learned SDJM, Danapur in complaint case No. 1484 of 2023 whereby the learned SDJM, Danapur have taken cognizance of offence under Section 498A, 323 of IPC and Section 4 of Dowry Prohibition Act against accused namely Surendra Kumar and Jitendra Kumar only and exonerated accused No. 2, 4, 5 & 6 named in the complaint petition from any criminal liability and chose not to proceed against them.

2. Learned counsel for the revisionist, while assailing the impugned order has submitted that the learned SDJM has not

applied judicial mind and did not properly appreciate the inquiry evidences. Learned counsel further submitted that learned Court has failed to appreciate that all the witnesses including the complainant have specifically named all the accused persons during their evidence and they have also deposed that all of them not only demanded a flat but also assaulted and tortured her. But despite all these facts, learned Magistrate did not find any prima facie case against accused No. 2, 4, 5 & 6 named in the complaint petition. In the light of these submission, learned counsel has prayed to set aside the impugned order dated 09-04-2024 and directed the learned SDJM, Danapur to pass a fresh order taking cognizance against all the accused persons.

3. Though, Opposite Party No. 2, 3, 4 and 5 have not appeared despite issuance of notice but learned APP is present to represent their case. Learned APP opposes the prayer of the revisionist and submits that there is no illegality or impropriety in the impugned order and therefore it does not require any interference by this Court.

4. After hearing the parties, I have perused the case record. Certified copy of the order sheet, complaint petition and deposition of S.A. of the complainant as well as the deposition of all the four complainant's witnesses is available on the case record. It transpires that this case has been filed by the complainant against six accused persons namely Surendra Kumar, Narendra Kumar, Jitendra Kumar, Sri Ram Naresh Pandit, Smt. Sushila Devi and Rekha Kumari @ Priyanka Kumari under Sections 147, 148, 307, 323, 341, 420, 498A, 34 of I.P.C. and 3/4 of Dowry Prohibition Act with an allegation that the complainant was married to accused Surendra Kumar on 20-05-2023 according to Hindu rites and rituals and immediately after the marriage all these accused persons started demanding a flat at Patna and tortured the complainant for non fulfillment of his demand. They also abused and assaulted the complainant. It is also alleged that in the absence of her husband, her brother-in-law namely Jitendra Kumar tried to establish illicit relationship with her and assaulted her whenever the complainant opposed this act. To support these

allegations, the complainant has got herself examined on SA and she has also examined four witnesses during enquiry who are namely Kailash Pandit, Sushma Devi, Deepak Kumar and Santosh Kumar, all of who are family members of the complainant. On perusal of their evidences, it appears that all these witnesses including the complainant have simply taken the name of the all six persons stating that this case has been filed against them, however without ascribing or assigning or attributing any specific role played by the accused namely Narendra Kumar, Ram Naresh Pandit, Sushila Devi and Rekha Kumar @ Priyanka Kumari. It is a settled principle of law that for finding a prima facie case the allegations against the accused persons must be found to be intrinsically true from the available evidences. As no specific act has been attributed against accused No. 2, 4, 5 & 6 named in the complaint petition by any of the inquiry witnesses so there is no material to proceed against them for any of the offences. The witnesses including the complainant have only alleged against the accused Surendra Kumar and Jitendra Kumar to have tortured and

assaulted her. Therefore the learned Court has rightly order issuance of process under Section 498A, 323 of IPC against the accused Surendra Kumar and Jitendra Kumar and chose not to proceed against accused namely Narendra Kumar, Ram Naresh Pandit, Sushila Devi and Rekha Kumari @ Priyanka Kumari. Therefore, I did not find any illegality or impropriety in the impugned order. Accordingly, the impugned order does not require interference of this Court.

5. In the result, instant revision is hereby **dismissed** accordingly. Let a copy of this order be sent to the learned Court concerned for information and needful and thereafter the record of this case be consigned to the record room in accordance with law.

Sd./-

(Kumar Gunjan)

Additional Sessions Judge-I
Danapur, 24-04-2026

Dictated and corrected by me;

Sd./-

(Kumar Gunjan)

Additional Sessions Judge-I
Danapur, 24-04-2026