

Complaint Case No: 310 /2024

Manmati Devi Vs. Jimedar Singh & Ors.

Serial Number of Order	Date of Order	Order with initials of the Magistrate.	Office notes as to action taken on order (if any) and date
1	2	3	4
	19.09.2025	This complaint petition has been filed by Manmati Devi, against the accused persons, namely Jimedar Singh; Ashu Ranjan, the then Circle Officer of Rohtas Circle; Suresh Tiwari, the then Halka Karamchari of Halka Tumba, Circle Rohtas and Khursid Alam, who is the present Halka Karamchari of the Tumba Halka Rohtas Circle, for the offences punishable under Sections 337, 356 (3), 340 (2), 352 and 351(2) of the BNS. It has been alleged by the complainant, Manmati Devi, that she had purchased a piece of land bearing Khata No. 261, Plot No. 1835, measuring 11 decimals, situated in Mauja Thumba, Rohtas Circle, through a sale deed dated 05/05/1991. Since then, she has been in possession of the said land and had been paying land revenue to the government up to the year 2018. It has further been alleged by her that when she went to a cybercafé to deposit land revenue, she was informed that the land had been transferred in the name of one Jimedar Singh. She has also alleged that the then Circle Officer, Ashu Ranjan, in connivance with the accused Jimedar Singh, created a new jamabandi in his name by preparing a false document. Additionally, she has alleged that when she inquired about the matter with the present Circle Officer, she was thrown out of the office by the officer's personal guard. She further claims that the new jamabandi in the name of the accused, Jimedar Singh, was created by the then Circle Officer, Ashu Ranjan, in collusion with the then Halka Karamchari, Suresh Tiwari, of Halka Tumba. The statement of the complainant was recorded under section 223 BNSS, in which she has supported the allegations levelled by her in the complaint petition. An inquiry was also conducted in the matter u/s 225 BNSS in which the complainant has examined one witness on her behalf who has supported the contentions of the complainant. After an inquiry was conducted in the matter, a notice under Section 223(2)(a) of the BNSS, 2023, was issued to the accused persons to make their submissions with regard to the allegations levelled against them.	

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Furthermore, in light of the provisions contained in the said section, a report was also sought from the Deputy Collector, Land Reforms, Dehri, regarding the allegations made by the complainant against the Circle Officer and the other accused persons, since the DCLR is the superior officer of the Circle Officer and the Halka Karamchari of the Rohtas Circle.

In response to the said notice, a reply has been submitted only by the accused, Ashu Ranjan, the then Circle Officer of Rohtas Circle, while no other accused person has submitted his response in the matter. Furthermore, no report has been received in this regard from the DCLR, Dehri, either.

In his reply dated 26th May 2025, the accused, Ashu Ranjan, the then Circle Officer, submitted that in light of the circular dated 26th August 2021 issued by the Revenue and Land Reforms Department, Government of Bihar, necessary corrections were required to be made in the online Jamabandi so that authenticated copies of the record of rights could be made available to the raiyats digitally. It was further submitted that, pursuant to the said circular, a scrutiny of the online Jamabandi was carried out, during which it came to notice that the offline records relating to Khata No. 261 and Khesra No. 1835 of Mauza Tumba, Circle Rohtas, contained the name of Jimedar Singh and not Manmati Devi. Therefore, in view of the details contained in the offline record, necessary corrections were made in the online Jamabandi record. Hence, no offence has been committed, and all the allegations levelled by the complainant are baseless.

Heard the Ld. Counsel for the Complainant and perused the record.

On hearing the learned counsel for the complainant and upon perusal of the complaint petition, the statement of the complainant on solemn affirmation, the inquiry conducted in the matter, and the reply of the accused, this Court finds that it has categorically been submitted by the complainant that since the year 1991, when she got the said piece of land registered in her name, she has been paying land revenue to the Government after getting her name mutated in the revenue records. This Court also takes judicial notice of the fact that digitization of land records is a recent development, and that during the 1990s, when the complainant had her name mutated in the Government records, the same were maintained in physical registers (Register II). As submitted by her, she has been paying land revenue for the said piece of land for about 30 years. Furthermore, the online land revenue records have been prepared on the basis of the offline records, which contained the name of the complainant

as the raiyat against the said piece of land, which is obvious from the fact that Government had been accepting rent from her. Therefore, prima facie, it appears that the revenue records have been tampered with. However, such a conclusion or otherwise can only be ascertained after a full-fledged trial. Accordingly, this Court is of the view that prima facie sufficient materials are available on record for the offences punishable under Sections 337, 340(2), and 61(2) of the BNS, 2023, against the accused persons, namely, Jimedar Singh, Ashu Ranjan, and Suresh Tiwari.

So far as accused Khurshid Alam is concerned, there is nothing on record against him; hence, proceedings against him are hereby dropped.

Further, it is seen that two of the accused persons, namely, Ashu Ranjan and Suresh Tiwari, are public servants, and that Section 218 of the BNSS bars the taking of cognizance of an offence alleged to have been committed by a public servant while acting or purporting to act in the discharge of his official duties, except with the previous sanction of the competent authority. The said provision is intended to protect public servants from malicious or vexatious prosecution.

In view of the aforesaid provision, this Court has carefully examined the allegations made against the accused persons and finds substance in the same.

Further, so far as the issue of sanction is concerned, in *Matajog Dobey v. H.C. Bhari*, AIR 1956 SC 44, the Hon'ble Supreme Court held that it is not always necessary that the requirement of sanction under Section 197 of the CrPC be considered as soon as the complaint is lodged and on the basis of the allegations contained therein. The complaint may not disclose that the act constituting the offence was done or purported to have been done in the discharge of official duty or under colour of such duty. However, facts subsequently coming to light in the course of the trial or upon police or judicial inquiry may establish the necessity for sanction. Thus, whether sanction is necessary or not may have to be determined at any stage of the proceedings.

This Court is of the opinion that both the public servants have not only exceeded their lawful authority but have also acted unlawfully in the matter, as it can never be part of the official duty of a public servant to commit forgery. Thus, at this stage, on the basis of aforesaid materials on record, there is no need of sanction from the Government for proceeding against the public servants who are accused herein.

Hence, Office clerk is directed to issue summons against the above-named accused persons namely Jimedar Singh, Ashu Ranjan and Suresh Tiwari, for the offences punishable under sections 337, 340(2), and 61(2)

of the BNS, 2023, after filing of requisites and process fees by the complainant. The complainant is directed to file requisites, including the list of prosecution witnesses and process fees, if any, necessary for issuance of summons within seven days from the date of this order.

Put up on 20.11.2025 for appearance of the accused persons.



JMFC.