

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, SAMASTIPUR
DISTRICT: SAMASTIPUR, BIHAR
Criminal Revision. No. 373/2024

In The Matter Of -

Dr. Abhilasha Kumari @ Dr. Abhilasha Singh, W/o-Gyanendra Singh, R/o-
Chini mill Chauk, P.S.-Samastipur Town, Distt. Samastipur

..... Petitioner

VERSUS

1. State of Bihar

.....Opposite Party

Counsel for the Petitioner- Sri Priya Ranjan Verma, Ld. Advocate

Counsel for the Opposite Party – Sri Shiv Shankar Prasad.,Ld. Addl. P.P

Date Of Order- 31st July, 2026

Present- RAHUL KUMAR
Addl. Sessions Judge- III , Samastipur

ORDER

1. This instant revision petition has been preferred by the above stated petitioner against the respondent State of Bihar for setting aside the order dated 16.01.2021 passed by the court of Learned Chief Judicial Magistrate, Samastipur(Here in after referred as to Ld. C.J.M., Samastipur) in Warisnagar P.S. Case No.-240/2020, Reg. No.-2416/2020 where by and where under the Id. C.J.M. has taken cognizance of the offence u/s.-188 of I.P.C. and sec.3/4 of Prevention of Defacement of Property Act, 1987.

2. The brief facts leading to this instant revision petition is that informant who is Circle Officer-cum-FSI officer of 132 Warisnagar legislative Assembly has submitted an application before SHO, Mathurapur O.P to the effect that while returning after vehicle checking on 03.10.2020 at Jhilli Chauk, he found that a poster displaying name and style of Mark Hospital/ Dr. Abhilasha Singh/ Opollo Hospital was installed

on the electric pole. Similarly, an other poster displaying name and style as Sanya Honda, Mohanpur road, Samastipur was also found installed on another electric pole. Both the posters were seized and seizure list was prepared. On the basis of said petition, Warisnagar P.S. case no.-240/20 was instituted and the same was investigated. After investigation, Police found the case true and submitted charge-sheet against two accused persons including the petitioner. Thereafter, the Id. C.J.M. passed order on 16.01.2021 and took cognizance of the offence against Ajit Kumar Singh and Dr. Abhilasha Singh, who is the petitioner, u/s. 188 of I.P.C. and sec.3/4 of Prevention of Defacement of Property Act, 1987 (Here in after referred as to impugned order)

3. Being aggrieved with the said impugned order passed by Id. C.J.M, Samastipur, the present petitioner has preferred this revision on following grounds:-

(I) that the impugned order is not maintainable in the eye of law or on facts and the same is fit to be set aside.

(II) that the impugned order is based on conjecture and surmises.

(III) that the impugned order is against the weight of evidence available on record.

(IV) that the impugned order has been passed without application of judicial mind in a routine manner.

(V) that the material sent by the I.O, u/s.-173 of Cr.Pc is not sufficient to take cognizance and no case u/s.-188 of I.P.C. and Sec.-3/4 of Prevention of Defacement of Property Act, 1987 is made out and the present petitioner has no role in the offence and none has supported the case during investigation and the investigation is completed to show the work of Election Commission only.

4. Ld. Counsel for revisionists as well as Ld. APP have been heard.

It has been argued on behalf of revisionist that Ld. C.J.M. has passed the impugned order without applying his mind in routine manner as the police report upon which impugned order has been drawn is lacking sufficient material to take the cognizance as none of the witnesses during investigation have supported the version of informant and the

petitioner has no role in commission of offence.

Per-contra, Ld. A.P.P for the state has submitted that the impugned order passed by the Id. C.J.M. is good at law and the same has been passed after proper application of Judicial mind.

5. This court carefully perused the Ld. Trial Court record.

6. On perusal of the Ld. Trial court records as well as impugned order it appears that while passing the impugned order, Id. C.J.M. has mentioned that the impugned order has been passed after considering the statements of witnesses in case diary and perusal of case record.

Perusal of Trial Court record as well as case diary, it appears that the posters in the name and style poster displaying name and style of Mark Hospital/ Dr. Abhilasha Singh/ Opollo Hospital was installed on the electric pole and the same was seized in presence of two witnesses Jagnarayan Thakur and Rajan Chaudhary. Dr. Abhilasha Singh is none else but the present petitioner. In course of investigation, I.O. has recorded the re-statement of informant and statements of witnesses who has supported the alleged occurrence.

It is settled principle of law: Meticulous scrutiny of evidences are not required at the stage of taking cognizance of the offence rather smell of commission of any offence is enough to proceed further. In present case, it is found that Id. C.J.M after applying his judicial mind has passed the impugned order.

This court do not see any reason to interfere with the impugned order.

7. In view of the above discussion, this court is of the view that the impugned order does not warrant any interference and the same is here by upheld. However, petitioner may raise her points at the time of hearing on the point of charge.

Accordingly, this court is of view that present revision petition is devoid of merit and as such, the same is here by dismissed.

Let a copy of this order along with TCR be sent to the court of Id. C.J.M, Samastipur for information and needful.

Office Clerk is directed to deposit the record in record room as per rule.

Dictated and corrected by me

Rahul Kumar
Addl.Sessions Judge-III
Samastipur
Dt.-31.07.2026

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