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District:- Sheikhpura.

D.J. Division, Sheikhpura
In The Court of Sri Santosh Kumar Tiwary
Principal District & Sessions Judge, Sheikhpura.
Cr. Revision No. 20/2025

Present:- Sri Santosh Kumar Tiwary
Principal District & Sessions Judge
Sheikhpura.

Sheikhpura dated:- 18.04.2026

1. Surendra Prasad, S/o Late Janki Yadav
2. Dinesh Kumar, S/o Late Janki Yadav
Both R/o Village – Ranka, P.S. - Ariyari, District - Sheikhpura
3. Shivshankar Mahto, S/o Late Jagdish Mahto
R/o Village - Vrindawan, P.S. - Ariyari
District - SheikhpuraRevisionists (Accused Persons).

Vs.

1. State of Bihar.....Opposite Party No. 1.
2. Bhola Yadav, S/o Late Ramchandra Yadav
R/o Village - Ranka, P.S. - Ariyari
District - SheikhpuraOpposite Party No. 2 (Complainant).

For Revisionists (Accused Persons) :- Sri Himanshu Shekhar, Ld. Advocate.
For O.P. No. 1 (State of Bihar) :- Sri Uday Narayan Sinha, Ld. P.P.
For O.P. No. 2 (Complainant) :- 1. Sri Kumar Kamal Kishor, Ld. Advocate.

ORDER.

18.04.2026 (1). The present Criminal Revision has been preferred by the revisionists (accused), being aggrieved and dissatisfied with the order dated 18.08.2025 passed by Sri Sunil Kumar Verma, Ld. Judicial Magistrate Ist Class, Sheikhpura, in Complaint Case No. 386(C)/2023, whereby the Ld. Trial Court found a prima facie case U/s. 323, 504/34 of I.P.C. and directed issuance of process (summon) against the accused persons.

2. Perused the case record of this Criminal Revision as well as Trial Court Record of Complaint Case No. 386C/2023.

3. As per complaint petition of complainant Bhola Yadav, Thana No. 271, Khata No. 114 and Khasra No. 85 in Mauza Vrindavan was jointly purchased in 1946 by the complainant's uncle Chhotu Gope and his grandfather Mahavir Gope, from Amrit Mahto

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and Radhe Mahto. Chhotu Gope purchased a total of 58½ decimals of land, while Chhotu Gope and Mahavir Gope jointly purchased a total of 1 acre and 17 decimals. Subsequently, the complainant and his cousin Shyam Sundar Yadav, jointly purchased 58½ decimals of the said plot from Chhotu Gope, wherein the complainant's share amounted to 29¼ decimals. Thereafter, the complainant's late father, Ramchandra Yadav, purchased 18 decimals of land from Shyam Sundar Yadav. Consequently, the complainant's total landholding amounted to 47½ decimals. The complainant and his two brothers were in peaceful possession and occupation of this land, cultivating it and growing crops across the entire area. The accused Surendra Prasad and Dinesh Kumar (both residents of the complainant's village), conspired with a third accused Shivshankar Mahto, to fraudulently evict the complainant from the said land. Pursuant to this conspiracy, the three accused jointly executed a sale transaction for the complainant's land. Furthermore, with the malicious intent to harass and ruin the complainant, they fraudulently registered the entire plot specifically at the roadside frontage right at the entrance from the road thereby aiming to deprive the complainant of access to the road. Acting in conspiracy, all the accused fabricated forged documents; with a dishonest intent to usurp the complainant's land and deny him road access, the three accused jointly visited the Sheikhpura Registration Office on 14.04.2023, and registered the land in their names. Upon receiving information regarding this registration, the complainant accompanied by his brother, Brahmadev Yadav went to meet the accused at the school located near the village's 'Devi Sthan' (temple), a place where the three accused habitually gathered daily. When the complainant enquired about the land registration, all the accused began verbally abusing him and proceeded to physically assault him. Surendra Prasad, with the intent to kill the complainant, began strangling him with a *Gamcha*; when the complainant's brother, Brahmadev Yadav, intervened, Surendra Prasad took two thousand rupees from the complainant's pocket and fled. Surendra Prasad then proceeded to threaten the complainant, warning that if he were to file any kind of lawsuit against them, they would kill him.

On 31.08.2023, this complaint case was filed by the complainant, O.P. No. 2 Bhola Yadav, against the accused Surendra Prasad, Dinesh Kumar and Shivshankar Mahto. On 03.02.2024, the Ld. Trial Court examined the complainant on solemn affirmation, and two inquiry witnesses namely Uma Yadav and Brahamdeo Yadav were examined on oath on 01.03.2024 and 06.05.2024 respectively. The examination of the inquiry witnesses was concluded on 04.02.2025, and on 18.08.2025, the Ld. Trial Court found that a prima facie case is made out against the accused persons/revisionists U/s. 323, 504/34 of I.P.C and ordered that - (i) *The complainant is directed to file requisites*

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within then days alongwith process fees, list of prosecution witnesses against all the accused as per order. (ii). The office clerk is directed to issue summons against all the accused persons as per order passed who have been alleged in complaint petition accordingly. (iii). The file is put up on 13.10.2025 for appearance of accused persons.

Being aggrieved and dissatisfied with the order passed by the Ld. Trial Court on 18.08.2025, the revisionists have filed this criminal revision petition and prayed for setting aside the impugned order dated 18.08.2025.

4. Revisionists have preferred this Criminal Revision on the ground that the impugned order dated 18.08.2025 passed by Sri Sunil Kumar Verma, Ld. Judicial Magistrate Ist Class, Sheikhpura, is bad in law, as the same has been passed against the law. The present revision petition has been filed by the aggrieved party, challenging the cognizance order dated 18.08.2025, passed in Case No. 386C/2023. Prior to filing this revision petition, the revisionists had not filed any application either in the learned court or in the Hon'ble High Court. All the allegations levelled herein relate to a land dispute, which has already been adjudicated between the parties by the learned Additional District Magistrate (ADM), Sheikhpura. Undoubtedly, none of the sections under which cognizance has been taken are legally valid. Based on the evidence on record, including the complaint petition, the statement of the complainant recorded during the S.A. and the statements of the inquiry witnesses, no prima facie case appears to be made out U/s. 323 & 504/34 of I.P.C. However, the Ld. Trial Court took cognizance U/s. 324 & 504/34 of I.P.C. which is bad in law and fact. The gist of the allegations is that the revisionists acquired a *Kewala* (sale deed) on 14.04.2023, from the complainant regarding *Khata* No. 114, *Khasra* No. 85, the exact area of which remains unspecified. The Hon'ble High Court and the Hon'ble Supreme Court have, in numerous judgments, established the legal principle that no such case is maintainable wherein facts of a civil nature have been given a criminal colour. Furthermore, the complainant has explicitly alleged in his S.A. that the revisionists subjected him to verbal abuse and physical assault (slaps and punches), and also attacked his brother, in light of these specific facts, the Trial Court's decision to take cognizance U/s. 323 of I.P.C. appears to be entirely contrary to law. Prior to 14.04.2023, peaceful possession of the aforementioned land lay solely with the revisionist, Shivshankar Mahto, at no point of time did the complainant hold either ownership or possession of the said land. It is clear from the foregoing facts that the order of Sri Sunil Kumar Verma, Ld. Judicial Magistrate Ist Class, Sheikhpura dated 18.08.2025, is not in accordance with law and prayed to set aside the order dated 18.08.2025 passed in Complaint Case No. 386C/2023.

5. The learned Public Prosecutor as well as Ld. Advocate for the O.P. No. 2 have strongly opposed the revision and have argued that the present revision is not

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maintainable and the same is liable to be dismissed, as Sri Sunil Kumar Verma, Ld. Judicial Magistrate Ist Class, Sheikhpura has rightly found that a prima facie case is made out U/s. 323, 504/34 of I.P.C. against the accused persons. The impugned order dated 18.08.2025 passed by the Ld. Trial Court is legal, valid and sustainable in the eye of law. The Ld. Magistrate has duly examined the complainant on solemn affirmation and also recorded the statement of the inquiry witnesses on oath and after careful perusal of the complaint petition, statement recorded during inquiry and material available on record, the Ld. Trial Court has recorded a reasoned satisfactions that a prima facie case U/s. 323, 504/34 of I.P.C. made out against the accused. Hence, there is no error in the order passed by the learned Magistrate dated 18.08.2025. Accordingly, this revision is not maintainable.

6. Heard, perused the record. From perusal of the record, it appears that on 31.08.2023, this complaint case was filed by the complainant, O.P. No. 2 Bhola Yadav, against the accused Surendra Prasad, Dinesh Kumar and Shivshankar Mahto. On 03.02.2024, the Ld. Trial Court examined the complainant on solemn affirmation, and two inquiry witnesses namely Uma Yadav and Brahamdeo Yadav were examined on oath on 01.03.2024 and 06.05.2024 respectively. The examination of the inquiry witnesses was concluded on 04.02.2025, and on 18.08.2025, the Ld. Trial Court found that a prima facie case is made out against the accused persons/revisionists U/s. 323, 504/34 of I.P.C. Being aggrieved and dissatisfied with the order passed by the Ld. Trial Court on 18.08.2025, the revisionists have filed this criminal revision petition and prayed for setting aside the impugned order dated 18.08.2025.

7. From perusal of the Trial Court record, it appears that the Ld. Trial Court, before passing the impugned order, has followed the procedure prescribed under law. The complainant was examined on solemn affirmation, wherein he has supported the allegations made in the complaint petition and has specifically stated regarding assault, abuse and threat given by the accused persons. Further, the inquiry witnesses namely Uma Yadav and Brahamdeo Yadav have also been examined on oath during inquiry. The said witnesses have corroborated the version of the complainant with regard to occurrence, particularly the assault and abusive conduct of the accused persons. From the statement of the complainant and the depositions of the inquiry witnesses, it appears that the complainant has consistently alleged that the accused persons, in furtherance of their common intention, got the disputed land fraudulently registered in their names and, upon protest, abused and assaulted him, wherein accused Surendra Prasad allegedly attempted to strangle him with a gamcha, took away Rs. 2,000/- from his pocket and given threats. The inquiry witnesses have supported the occurrence, which prima facie reveals the offence U/s. 323 & 504/34 IPC.

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8. At this stage, it is well settled principle of law that while taking cognizance and issuing process, the Court is not required to meticulously examine the evidence or to adjudicate upon the truthfulness of the allegations. The Court is only required to see whether a prima facie case is made out on the basis of materials available on record. The contention of the revisionists that the dispute is purely civil in nature and has been given a criminal colour, does not hold good at this stage. Even if there exists a civil dispute relating to land, the same does not bar criminal prosecution if the allegations disclose ingredients of a criminal offence. In the present case, the allegations of assault, abuse and threat are independent and distinct from the alleged land dispute and constitute offences under criminal law.

9. The submission of the revisionists that no offence U/s. 323 & 504/34 of I.P.C. is made out, is also not tenable in view of the materials available on record. The statements recorded during inquiry clearly disclose allegations of voluntary causing hurt and intentional insult. At this preliminary stage, such materials are sufficient for proceeding against the accused persons. There is nothing on record to show that the Ld. Trial Court acted mechanically or without due application of mind. Furthermore, no illegality or irregularity has been found in the impugned order.

CONCLUSION

10. The impugned order dated 18.08.2025 passed by the Ld. Trial Court is legal, valid and sustainable in the eye of law the Ld. Magistrate has duly examined the complainant on solemn affirmation and also recorded the statements of the inquiry witnesses on oath and after careful perusal of the complaint petition, statement recorded during inquiry and material available on record, the Ld. Court below has recorded a reasoned satisfaction that a prima facie case U/s. 323, 504/34 of I.P.C. made out against the accused persons. At the stage of issuance of summon, the Court is only required to see whenever a prima facie case is disclosed and not to conduct a meticulous appreciation of evidence. The impugned order reflects due application of mind and cannot be termed as mechanical or arbitrary. There is no perversity, illegality or jurisdictional infirmity in the impugned order calling for interference in revisional jurisdiction. Hence, the present revision petition is fit to be dismissed.

ORDER

11. In view of the above discussion, analysis and findings, this Court holds that the Criminal Revision No. 20/2025 filed by the revisionists has no merit and is liable to be dismissed.

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Accordingly, the Criminal Revision No. 20/2025 is hereby dismissed. The impugned order dated 18.08.2025 passed by the Court of Sri Sunil Kumar Verma, Ld. Judicial Magistrate Ist Class, Sheikhpura, in Complaint Case No. 386(C)/2023 is affirmed.

Let a copy of this order along with Trial Court record be sent to the Court concerned for information and needful. Office is directed to deposit the case record in the record room as per rule.

Corrected and pronounced by me.

Dictated by

Santosh Kumar Tiwary
Principal District & Sessions Judge
Sheikhpura.
18.04.2026

Santosh Kumar Tiwary
Principal District & Sessions Judge
Sheikhpura.
18.04.2026.

Date of Judgment / order	18.04.2026
Date of Reserving Judgment / order	04.04.2026
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