

In the Court of SESSIONS JUDGE, Saran at Chapra

Present:

Puneet Kumar Garg,
Sessions Judge,
Saran at Chapra

Chapra, dated 05th of June, 2026

[Criminal Revision No. 12 of 2026]

*[arising out of an impugned
Order dated 17.10.2025
passed by Ms. Nupur Priyadarshi, learned JMFC, Saran in
Trial No. 1458/2025 in connection with
Complaint Case No. 432/2025, titled as
Ashok Rai V/s Yogendra Rai & Ors.]*

Ashok Ray @ Ashok Kumar Rai

S/o Shri Parma Ray,
R/o Village – Payarepur,
P.O. + P.S. - Baniyapur, District - Saran

.....Revisionist-Complainant

VERSUS

1. State of Bihar,

2. Yogendra Ray S/o late Jamadar Ray &

3. Devashish Ray S/o Yogendra Ray

R/o Village – Payarepur,

P.O. + P.S. - Baniyapur, District - Saran

.....Opposite Parties

Counsel for the Revisionist : Shri Ramesh Prasad, learned Adv. a/w
Shri Suresh Prasad Yadav, learned Adv. &
Shri Samir Kumar Dubey, learned Adv.

Counsel for the State/OP No.1 : Shri Sarabjeet Ojha, learned P.P.

Counsel for the OP Nos. 2 & 3 : Shri Satish Kumar, learned Adv. a/w
Shri Hareram Singh, learned Adv.

Puneet Kumar Garg,
Sessions Judge, Saran
05.06.2026

[Criminal Revision No. 12 of 2026]

Ashok Ray
@ Ashok Kumar Rai
State of Bihar & Ors.

.....Revisionist-Complainant
V/s
.....Opposite Parties

order be set aside and the matter be remanded to the learned Trial Court for proceeding further in accordance with law.

4. Learned PP for the State opposed the revision petition and submitted that the impugned order has been passed by the learned trial court in exercise of its jurisdiction.
5. Heard learned counsel for the revisionist-complainant and learned PP for the State. Perused the revision petition, impugned order and the trial court record.
6. On perusal of the trial court record, it transpires that cognizance/process had already been issued by the learned Trial Court *vide* order dated 28.07.2025. It further appears from the record that the requisite/process fee filed on behalf of the revisionist-complainant is available on the record. The impugned order dated 17.10.2025 proceeds on the observation that requisite/process fee had not been filed by the complainant despite sufficient opportunities. However, the materials available in the trial court record do not support such observation.
7. When the requisite/process fee was already available on the record, dismissal of the complaint case under Section 227(4) of the BNSS on the ground of non-filing of requisite/process fee cannot be sustained. The learned Trial Court appears to have passed the impugned order without properly verifying the record. In the considered opinion of this Court, the impugned order has resulted in failure of justice and requires interference in revisional jurisdiction.

[Criminal Revision No. 12 of 2026]

Ashok Ray
@ Ashok Kumar Rai

.....Revisionist-Complainant
V/s

State of Bihar & Ors.

.....Opposite Parties

8. Accordingly, the present **Criminal Revision Petition**, bearing **No. 12 of 2026**, dated 15.01.2026, is **allowed**. The impugned order dated 17.10.2025 passed by the learned Magistrate, Saran at Chapra in Complaint Case No. 432/2025 (Tr. No. 1458/25) is hereby **set aside**.
9. The matter is **remanded** to the learned Trial Court with a direction to restore the complaint case to its original file and pass a fresh order after considering the materials available on the record and proceed further in accordance with law.
10. Let the trial court record be sent back forthwith along with a copy of this order for its information and needful; after due compliance, the file of this case be consigned to the Record Room as per *Rules*.

[Dictated and corrected by me]

[Dictated]

(Puneet Kumar Garg),
Sessions Judge, Saran
05.06.2026

(Puneet Kumar Garg),
Sessions Judge, Saran
05.06.2026

Puneet Kumar Garg,
Sessions Judge, Saran
05.06.2026