

IN THE COURT OF PRINCIPAL, DISTRICT & SESSIONS JUDGE, SITAMARHI

Dated, Sitamarhi, the 12th March 2026.

Present: - Dinesh Sharma, Principal Sessions Judge, Sitamarhi

Criminal Revision No.- 22/2026

Registration No. 22/2026

Hari Kishor Singh V/s. State of Bihar & Another.

In the matter of: -

Hari Kishor Singh, aged about 53 years, S/o Late Rajnandan Singh, Resident of Village- Madhurapur, P.S- Suppi, District- Sitamarhi. Presently R/o Kailashpuri P.S. Dumra, District Sitamarhi.....**Petitioner.**

V/S

1. State of Bihar.....**Opposite Party No.-1**
2. **Most. Sakuntala Devi**, W/o Late Kapil Deo Singh, Resident of Village- Madhurapur, ward no. 10, P.O. Madhurpur, P.S- Suppi, District- Sitamarhi.....**Opposite Party No.-2**
3. **Most. Rupsagar Devi**, W/o Late Ramchandra Singh, Resident of Village- Madhurapur, ward no. 10, P.O. Madhurpur, P.S- Suppi, District- Sitamarhi.**Opposite Party No. 3**

Appearance:

For the Petitioner : Ld. Adv, Kaushlendra Kishor Singh.
For the State : Sri Praful Kumar Jha, Ld. I/c P.P.

ORDER

1. The instant revision petition has been filed by the revisionist, who is informant before the Ld. Trial Court, challenging the correctness, legality and propriety of order dated 06.02.2026 passed by the Ld. Trial Court whereby the Ld. Trial Court has dismissed the petition filed under Section 216 of Cr.P.C. filed by revisionist/informant seeking to add charge for the alleged commission of offences under section 379 and 324 of the Indian Penal Code.

2. From the petition it appears that the Suppi P.S. Case No. 96/21, registered for the alleged commission of offences under Sections 341, 323, 324, 379, 504, 34 of IPC was lodged upon the written application of the revisionist and investigation commenced. After investigation the police filed charge-sheet for the alleged commission of offence under Section 341, 323, 504, 34 of the IPC. No charge-sheet was filed for the alleged commission of offence under Section 379 and 324 of the IPC.

3. A protest petition was also filed by the revisionist challenging the non-inclusion of Section 379 and 324 of the IPC. It appears that

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cognizance was taken by the Ld. Magistrate on 22.08.2022 for the alleged commission of offence under Section 341, 323, 504, 34 of the IPC on the basis of charge sheet against O.P. No.-2 and O.P. No.-3. It appears that charges were framed against O.P. No.-2 and 3 for the Section in which cognizance was taken. It further appears that during the trial the prosecution/informant examined five witnesses and thereafter filed a petition on 28.11.2025 under Section 216 of Cr.P.C. Seeking permission to add charges of Section 379 and 324 of the IPC also. This petition of the revisionist came to be dismissed by the impugned order. Being aggrieved with the impugned order the revisionist is before this Court by way of instant revision petition.

4. Heard the submission of the Ld. Counsel for the revisionist and the Ld. PP for the State. It is submitted by the Ld. Counsel for the petitioner that the Ld. Trial Court has failed to consider the evidence of the witnesses examined in true prospective and ought to have added the charges of Section 379 and 324 of the IPC. It is submitted by the Ld. Counsel that material was sufficient to frame additional charges of Section 379 and 324 of the IPC. It is submitted that the impugned order may kindly be set aside and the Ld. Magistrate may kindly be directed to add charges of Section 379 and 324 of the IPC and to proceed with the trial.

5. On the other hand, the Ld. P.P has fairly submitted that impugned order is a correct one and requires no interference.

6. Rival submission considered. Record perused. The first question which has arisen before this court is whether the impugned order is final order or interlocutory one.

7. The Hon'ble Supreme Court in the case of ***K. Ravi Vs. State of Tamil Nadu and another, 2024 SCC OnLine SC 2283*** has held that, "8. It is pertinent to note that the order dismissing application seeking modification of charge would be an interlocutory order and in view of express bar contained in sub-Section (2) of Section 397 of Cr.P.C the revision application itself was not maintainable."

8. In the considered opinion of this court since the Hon'ble Supreme Court in clear terms, the judgment quoted herein above, has held the order dismissing an application seeking modification of charge is an interlocutory order, therefore, there is no need for further discussion or burdening this order with authorities. [Emphasis added].

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9. Since the impugned order is an interlocutory order and since there is a bar under Section sub-section (2) of Section 397 of Cr.P.C to entertain revision against interlocutory order, therefore, the instant revision petition is not maintainable and is hereby dismissed at the admission stage itself and the impugned order is hereby upheld.

10. It is clarified that this court has not called for the TCR as the material available on record was sufficient to pass just and proper order and the calling for the TCR would have caused an unnecessary delay in the case.

11. A copy of this order be sent to the Ld. Trial Court.

12. Announced in open Court today on this 12th day of March 2026. File be consigned to record rooms as per rules.

Dictated and corrected

Dinesh Sharma

(DINESH SHARMA)

Principal Sessions Judge,

Sitamarhi.

12.03.2026

Order passed by

Dinesh Sharma

(DINESH SHARMA)

Principal Sessions Judge,

Sitamarhi.

12.03.2026

Typed by Steno:

Roshani

(ROSHANI)