

In The Court of Sessions Judge,
Vaishali, Bihar 844101.
Distt. - Vaishali, BIHAR.

Criminal Revision No. 40 of 2026

(Arising out of Complaint Case No. 2284 of 2021, T.R. No. 3718/2022)

1. Sanjit Kumar, Aged about-46 years, son of Jai Nandan Ray,
resident of Village- Basanta Jahanabad, P.S.- Lalganj, District- Vaishali.
..... The Revisionist

vs

1. The State of Bihar,The O.P first party
2. Sujit Kumar, Aged about-45 years Son of Krishnadeo Rai
Resident of Village- Basanta Jahanabad (Balua Basanta Naya Tola), P.S.-
Lalganj, District- Vaishali.
.....The Opposite second Party

The criminal revision has been preferred by the revisionist against the order dated 18.12.2025 passed by Learned Addl. Chief Judicial Magistrate – XIII, Vaishali at Hajipur, in Complaint Case No. 2284/2021 (Sujeet Kumar Vs. Sanjeet Kumar) whereby and whereunder the learned Trial Court has rejected the petition dated 29.10.2025 filed u/s 311 Cr.P.C. on behalf of the revisionist/accused to adduce the defence evidence.

Counsel for the Revisionist : Learned Adv. Sri Rajesh Kumar
Prabhakar
Counsel for the Opposite Party No.1 : Learned P.P. Shri Shyam Babu Rai
Counsel for the Opposite Party No. 2 : Learned Adv. Sri Ved Prakash,

Dated- 02 June 2026
Present- Harshit Singh.

ORDER

1. The criminal revision has been preferred by the revisionist against the order dated 18.12.2025 passed by Learned Addl. Chief Judicial Magistrate – XIII, Vaishali at Hajipur, in Complaint Case No. 2284/2021 (Sujeet Kumar Vs. Sanjeet Kumar) whereby and whereunder the learned Trial Court has rejected the petition dated 29.10.2025 filed u/s 311 Cr.P.C. on behalf of the revisionist/accused to adduce the defence evidence.

2. Heard learned Counsel for Revisionist and Learned Public Prosecutor for the State (O.P. no.1) as well as learned counsel for the O.P. no.2 on this revision petition.

3. Prosecution case in brief is that, the revisionist/accused had taken

loan of Rs.9,50,000/- from the complainant (O.P. no.2) with assurance to return the said money within two months, but the said money was not returned to the complainant within time. On repeated demands, the accused/revisionist gave a cheque of Rs. 9,50,000/- to the complainant and the said cheque on depositing in the Bank got bounced due to insufficient fund. Thereafter legal notice has been sent to the accused by the complainant and after receiving the legal notice, the accused came at the door of the complainant and refused to give Rs.9,50,000/- to him.

The learned trial court has found prima facie case for the offence u/s 138 of N.I. Act on the basis of the material available on record during inquiry vide order dated 18.12.2025. The revisionist is the accused in the case.

4. In this revision petition, the revisionist has taken several grounds for impugning the order dated 18.12.2025 passed by Learned Addl. Chief Judicial Magistrate - XIII, Vaishali at Hajipur, and prayed to allow the present criminal revision and set aside the order dated 18.12.2025 passed by Learned A.C.J.M. - XIII, Vaishali at Hajipur and one chance may kindly be given to the revisionist for adducing the evidence.

5. Learned Counsel for the revisionist/accused has submitted that the impugned order is bad in law as well as on facts. The learned court below has wrongly rejected the petition of the revisionist filed u/s 311 Cr. P.C.. The accused/revisionist was living outside of the State and due to lack of knowledge, he could not appear and failed to adduce the defence evidence. The revisionist wants one more chance to depose in the case as defence witness. The impugned order passed by the learned trial court is illegal and fit to be set aside.

6. Heard both the parties and also perused the materials available on record as well as the impugned order.

7. From perusal of record and trial court record, it transpires that the case was pending for defence evidence and the defence evidence was closed on 24.09.2025 by the learned trial court. Thereafter a petition u/s 311 Cr. P.C. was filed on behalf of defence/revisionist on 29.10.2025 for permission to adduce evidence on behalf of the defence on the ground that the accused/revisionist was living outside of the State and due to lack of knowledge, he could not appear and failed to adduce the defence evidence. It further appears that by the impugned order, the learned trial court has rejected the petition of the revisionist/accused filed u/s 311 Cr. P. C.

8. Considering the aforesaid facts and circumstances, in the interest of justice, it would be justified to give one more chance to the revisionist/accused to adduce the defence witness. So, the revisionist/accused is directed to produce his

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defence witness/evidence before the learned trial court on the date fixed by the learned trial court without seeking any further adjournment. It is made clear that in case of failure to adduce defence evidence on the date so fixed, no further opportunity shall be granted and the learned trial court shall proceed in accordance with law. The learned trial court is directed to give one opportunity to the accused/revisionist to adduce his defence evidence.

9. Accordingly, this criminal revision is allowed with the above observations.

10. Let a copy of this order alongwith the trial court record be sent to the concerned court.

Dictated & corrected by me.

(Harshit Singh),
Sessions Judge, Vaishali.
Dated: 02.06.2026

(Harshit Singh)
Sessions Judge, Vaishali
Dated: 02.06.2026