

District Madhubani
IN THE COURT OF SESSIONS JUDGE, MADHUBANI

Present - Anamika T.
**Sessions Judge,
Madhubani**

Dated, Madhubani, the 21th November, 2023

CRIMINAL REVISION NO.379/2022

1. Dhirendra Yadav**Petitioner/Revisionist**

versus

1. The State of Bihar**O.P. No.1**

2. Sunita Devi**O.P. No.2**

Counsel for the Petitioner : Shri Sanjay Kumar Mishra, Advocate
Counsel for the State of Bihar : Shri Manoj Tiwary, PP I/C.
Counsel for the O.P. No.2 : None

Date	Ordersheet	
21-11-2023	<u>ORDER</u> 1. This criminal revision has been directed against the impugned order dated 27-6-2022 passed by the learned court of Shri Gurudatt Shiromani, JM Ist Class, Madhubani in C.R. case No.34/2022 whereby the learned court below has found the prima facie case for the offences punishable u/s 323, 354, 354(A) and 506 of the IPC against the accused-Dhirendra Yadav(revisionist). 2. The learned counsel for the revisionist submitted that at the foot of the revision petition, “the impugned order dated 22-6-2022” has inadvertently typed in lieu of “the impugned order dated 27-6-2022”, so the same be (Contd.....2)	

Criminal Revision No.379/2022

Date	Ordersheet	
Contd.2 21-11-2023	correctly read as “the impugned order dated 27-6-2022”. 3. Being aggrieved and dissatisfied with the impugned order, the petitioner/revisionist has filed the criminal revision stating that the impugned order passed by the learned court below is bad in law and on fact. The learned court below has not applied his judicial mind while passing the impugned order and the same has no merit and it was passed arbitrarily without going through the case record. The learned court below should have put searching questions to the witnesses for ascertaining the truth. The instant case is filed by the complainant with oblique motive at the instance of the enemies of the petitioner who are the witnesses of the case, against whom the petitioner had made an informatory petition before the learned CJM, Madhubani, before the filing of the instant case. The instant case was lodged with personal grudge for which the learned court below ought to have dismissed the complaint. The witnesses examined by the learned court below are also not trustworthy and have not supported the prosecution case. The impugned order passed by the learned court below is also otherwise bad and illegal. Lastly, prayer has been made to set aside the (Contd.....3)	

Criminal Revision No.379/2022

Date	Ordersheet	
Contd.3 21-11-2023	impugned order dated 27-6-2022. 4. The learned PP I/C, Shri Manoj Tiwary for the State has submitted that there is no illegality or impropriety or irregularity in the impugned order passed by the learned court below and this court need not interfere with the impugned order and accordingly prayed that the revision petition be dismissed. 5. Heard both the sides and perused the record including the LCR. 6. On perusal of the record, it appears that a complaint case i.e. C.R. case No.34/2022 was filed by the complainant-Sunita Devi against the accused namely Dhirendra Yadav (revisionist), Ram Narayan Yadav and Ram Udgar Yadav for the offences punishable u/s 323, 341, 354(B), 379, 504, 506/34 of the IPC. The case of the complainant is that at the time and date of alleged occurrence, the complainant had gone towards western Gachhi to ease herself. In the meantime, finding her alone, the accused-Dhirendra Yadav came to her and abused her in filthy language and giving allurements of money, he began to ask her to do bad work. On her hulla, people began to assemble there, and the accused fled away (Contd.....3)	

Criminal Revision No.379/2022

Date	Ordersheet	
Cntd.4 21-11-2023	towards western side. She came to her house and narrated the incident to the people. On the next day, the complainant with others went to the house of the revisionist and raised complaint about the incident. The revisionist and two others assembled there and Ram Narayan Yadav told that “Bhosri Ka Sareaam Izzat Vigar Do, Dekhte Hai, Kaun Bachata Hai”. Upon this, Dharendra Yadav and Ram Narayan Yadav caught hold of the complainant and tore her saree and blouse consequent to which she became naked and all the accused slapped her and dragged her. Ram Narayan Yadav snatched gold chain of ½ anna, worth Rs.30,000/-. Due to intervention of the people, her modesty was saved. Before this also, the revisionist used to do obscene acts with the complainant, but she used to bear it due to prestige. Ultimately, when she was going to police station, then Dharendra Yadav and others threatened that they will kill her along with her children, due to which she filed the complaint petition in the court. On the basis of enquiry, the learned court below found the prima facie case for the offence punishable u/s 323, 354, 354(A) and 506 of the IPC only against the (Contd.....5)	

Criminal Revision No.379/2022

Date	Ordersheet	
Contd.5 21-11-2023	accused-Dhirendra Yadav (revisionist) by the impugned order dated 27-6-2022. 7. The main contention of the revisionist is that no offence is made out under sections mentioned in the order taking cognizance especially under Section 354(A) of the IPC. At para 3 of the complaint, it has been clearly mentioned that the accused No.1 and 2 had torn the clothes of the complainant with bad intention. Further at para No.4 of the complaint, it has been mentioned that the accused No.1(revisionist) had earlier also misbehaved with the complainant. These facts have been reiterated by the complainant at para 3 of her SA, para No.3 of statement of EW1 and EW2. These witnesses along with the complainant have also spoken of incident of beating and use of abusive language. The revisionist in the ground of the present criminal revision has stated that the present case has been filed with an oblique motive at the instance of enemies of the petitioner who are witnesses of the cases against whom the petitioner has filed informatory petition before the learned CJM, Madhubani. It is a settled principle of law that the court has to look into the complaint and the (Contd.....6)	

Criminal Revision No.379/2023

Date	Ordersheet	
Contd.6 21-11-2023	statement of the enquiry witnesses to arrive at a finding that there are sufficient ground to proceed against the accused. At that stage, the court need not consider the defence of the accused. Only summons have been issued against the revisionist, he can always appear before the Court and place his case for seeking appropriate relief. This court does not find any illegality, infirmity or irregularity warranting interference with the well reasoned order of the learned Judicial Magistrate Ist Class, Madhubani. Accordingly, the revision petition is dismissed. Let a copy of this order along with the LCR be sent to the learned court below for information and needful. Dictated Sd/- Sessions Judge Memo No. /2023, Dated: Copy of the order along with the LCR forwarded to the court of Shri Gurudatt Shiromani, JM Ist Class, Madhubani for information and needful. Sessions Judge, Madhubani 21-11-2023	

