



UPBB010023652026
IN THE COURT OF SESSIONS JUDGE, BARABANKI
(Present- Pratima Srivastava (H.J.S.)
(JO Code- UP 1899)
Criminal Revision No. 96/2026

1. Kunjelal alias Vijay aged about 45 years son of Bechanlal alias Bechelal, resident of Mohalla Gandhinagar (Greedganj) Town & Tehsil- Nawabgang, P.S. Kotwalinagar, District- Barabanki. Present address- House No. C-44 Extension No. 1, Nagleyi Nilothi West Delhi, Delhi.
2. Ramsingh aged about 34 years son of Ramasre, resident of Mohalla Gandhinagar (Greedganj) Town & Tehsil- Nawabgang, P.S. Kotwalinagar, District- Barabanki.

..... Revisionists/applicants.

Vs

1. State of Uttar Pradesh
2. Rammilan aged about 40 years son of Badlu Prasad, resident of House No. C/283 Gandhinagar (Greedganj) Deva road, P.S. Kotwalinagar, District- Barabanki.
3. Ramnaresh son of Prem, Mohalla Gandhinagar, Deva road, Nawabganj, P.S. Kotwalinagar, District- Barabanki.
4. Amrendra son of Shivnath, resident of village Mohammadpur Banki, P.S. Kotwalinagar, District Barabanki.
5. Anuradha Shukla daughter of Awdhesh Kumar Shukla, resident of 338, Deva road, Civil Line, District- Barabanki.
6. Savita Devi daughter of Arjun Singh, resident of village- Khairatipur, P.S. Masauli, District- Barabanki.
7. Mohd. Shaheen son of Mohd. Rahees, resident of village- Dhakauli, P.S. Kotwalinagar, Barabanki.
8. Vindra Prasad son of Ramlal, resident of Mohammadpur Banki, P.S. Kotwalinagar, District Barabanki.
9. Saurabh Gupta son of Girish Chandra Gupta, resident of S.H.-411 Saravagi, Town- Nawabganj, P.S. Kotwalinagar, District- Barabanki.
10. Sonu Kumar son of Vindra Prasad Rawat, resident of Mohammadpur Banki, P.S. Kotwalinagar, District Barabanki.

...../opponents.

JUDGMENT

This criminal revision under section- 436,438 B.N.S.S. has been preferred against the order dated 10.03.2026 passed by Chief Judicial Magistrate, Court No. 18, District- Barabanki in Misc. case no. 291/2026, Kunjelal alias Vijay and others vs Rammilan and others, whereby the learned Magistrate has rejected the application of revisionists/applicants under Section- 173(4) B.N.S.S.

2. In brief, the revisionist/complainant moved an application under Section-173(4) B.N.S.S. and stated that revisionists/applicants are residents of Mohalla Gandhinagar, Dewa Road (Greedganj), Pargana and Tehsil Nawabganj, Town, District Barabanki. The revisionists/applicants and the deceased Parashuram S/o Rewti are co-sharers of Gata No. 364, Area 0.1380 Hectare located in Village Dhakhaoli, Pargana and Tehsil Nawabganj, District Barabanki and the applicants are in possession as owner of 0.040 Hectare. The revisionist/applicant Ram Singh resides in Mohalla Gandhinagar and the revisionist/applicant Kunjilal alias Vijay resides in Delhi. Parashuram S/o Rewti died on 29.12.2016. His heir is Ram Singh. It came to their knowledge that a General Power of Attorney was fraudulently executed the said land Gata No. 364, for the 0.040 Hectare by getting other persons to impersonate them through Ram Milan S/o Badlu Prasad, Resident of House No. C/283, Gandhinagar, Dewa Road, Pargana and Tehsil Nawabganj, District Barabanki. When the revisionists/applicants obtained a copy of the General Power of Attorney, it was revealed that the said Ram Milan, on 02.05.2023, got a General Power of Attorney of the above-mentioned land of the applicants and the deceased Parashuram registered on pages 43 to 56 of Book No. 4, Volume No. 236, Serial No. 77, by getting other persons to impersonate the applicants and by preparing fake IDs. Among them, Ram Naresh S/o Prem, Resident of Gandhinagar and Amarendra Singh alias Amarnath S/o Shivnath, Resident of Village Mohammadpur, Post Shriramvan Kutir, District Barabanki are witnesses. On the basis of the said fake General Power of Attorney, the said Ram Milan, on 17.06.2025, executed a sale deed for 1000 sq. ft. of the said land in favour of Anuradha Shukla D/o Avadhesh Kumar Shukla, Resident of 328 Dewa Road, Near Dr. Ahuja, Civil Lines, District Barabanki in which Savita Devi and Mohd. Shaheen are witnesses. On dated 03.08.2023, Ram Milan executed an agreement to sell 160 sq. meters of the said land in favour of Bindra Prasad S/o Ram Lal Rawat, Resident of Mohammadpur Banki, District Barabanki.

The marginal witnesses to this are Saurabh Gupta and Sonu Kumar. The opponent Ram Milan is part of an organized gang that creates fake IDs and grabs people's land through fraud. He is a land mafia. In this manner, to grab the applicant's above-mentioned land, the opponent Ram Milan got his men to impersonate, affixed the applicant's wrong ID and photo, and after the death of Parashuram, got a fake Power of Attorney registered in his name and sold the said land. When applicant Ram Singh complained the opponent Ram Milan then he threatened to kill him and also forcibly got signatures made by his men on several blank papers. The co-sharers of the said land Dayaram S/o Bechanlal and Amber S/o Nanhe have also had a Power of Attorney executed in a wrong manner and are selling it by showing consideration in wrong bank accounts without paying them. The revisionists/applicants stated that despite complaining to the police, no action was taken.

3. After hearing, learned counsel for the revisionists/applicants, learned Magistrate has rejected the application under Section- 173(4) B.N.S.S.

4. Being aggrieved by the impugned order dated 10.03.2026, revisionists/applicants has moved this revision.

5. On behalf of the revisionists/applicants, some documents/papers have been filed alongwith the list in support of this revision which are given below-

(i). Copy of application under Section- 173(4) B.N.S.S. given before the learned trial Court.

(ii). Copy of General Power of Attorney dated 02.05.2023

(iii). Copy of death certificate of Late Parashuram

(iv). Copy of Khatauni of Gata No. 364 Min. Village Dhakhauli, Pargana and Tehsil Nawabganj, District Barabanki

(v). Copy of Aadhaar Card of Vijay Jatav alias Kunjelal

(vi). Copy of Aadhaar Card of Ram Singh

(vii). Copy of Aadhaar Card of Late Parashuram

(viii). Copy of application given to Police Station and Superintendent of Police by the applicants.

6. The learned counsel for the revisionists/applicants argued that the impugned order dated 10.03.2026 is illegal by which the concerned court rejected the application. The order passed by the learned trial court on the said application in a hurry is against the law. The learned trial court violated legal provisions in passing the order. The learned trial court passed the order ignoring the evidence available on the record which is erroneous. The learned trial court passed the order without exercising judicial discretion which is

against the law. The revisionist/complainant filed all the documents related to the facts mentioned in the application which were ignored by the learned trial court. The application of the revisionists/applicants was rejected by the learned trial Court merely by mentioning the legal provision of a civil nature, whereas while passing the order, the learned trial Court did not take this into consideration that how can the identity of the person who has executed a General Power of Attorney by showing his photo and fake I.D. be established and no civil suit lies against them. The learned trial Court while passing the order did not even examine the police report in depth, in which it was stated that no F.I.R. has been registered in the matter. The impugned order dated 10.03.2026 passed by the learned trial Court is liable to be set aside.

7. Learned counsel for opposite party nos. 2 to 10 are present. An objection paper no. Ba-12 has been filed by opponents no. 2 to 10 against this revision that the impugned order dated 10.03.2026 passed by the learned trial court was absolutely correct and in accordance with law. The revisionist No. 2 and the deceased Parashuram had sold their share and right through a registered sale deed in the year 2013. For this reason, there is no land left in Gata No. 364 Minjumla belonging to the deceased Parashuram. The sale deed which was executed by opposite party no. 2 in favour of Opposite Party No. 6 in which Opposite Party No. 5 and 7 are marginal witnesses. The said land was purchased by Opposite Party No. 2 through a sale deed dated 06.04.2021. The Gata No. 364 Minjumla has an area of 0.370 Hectare. From this land, Opposite Party No. 2 has executed a sale deed in favour of Opposite Party No. 6. The agreement to sell dated 03.08.2023 executed in favour of Bindra Prasad S/o Ram Lal Rawat has been cancelled. The General Power of Attorney was executed in favour of Opposite Party No. 2 by the real Kunjilal whereas Revisionist No. 1 is an imposter, whose I.D. and Driving License bear the name Vijay Jatav S/o Bechelal. The real Kunjilal's father's name was Bechanlal whereas Ram Singh had already sold his share of land measuring 0.164 Hectare in Gata No. 364 Min. in the year 2013 itself. Merely to harass the opposite party and to extort illegal money, he first filed an application and thereafter filed the present revision. There is no fraud of any kind in executing the sale deed. The impugned order passed by the learned trial Court is absolutely correct and is based on facts. Hence, on the above grounds, the said revision may be dismissed.

8. Learned In-charge D.G.C. (Criminal) for the opposite party no. 1 has vehemently opposed this criminal revision and argued that order in question is full of justice and learned Magistrate has not committed any irregularity

and impropriety in passing the impugned order dated 10.03.2026. Hence, this criminal revision is liable to be rejected.

9. Considered the rival submissions of parties and have gone through the record.

10. It is well settled law that where an application is presented under Section- 173(4) B.N.S.S., the Court can order the case to be registered on the basis of facts mentioned in the application. If the Court feels that there is no sufficient basis to register the First Information Report, it can dismiss the application or register it as a complaint.

11. In the case of **Smt. Nir Devi vs. State of Uttar Pradesh 2010 CLJ 2354**, the Hon'ble Allahabad High Court has expressed the opinion that-

"Where an application is presented under section 173(4) B.N.S.S. (old section- 156(3) Cr.P.C.) the court can register such application as a complaint. Where an application is presented under Section 156(3) Cr.P.C., (new section- 173(4) B.N.S.S.) the court can order registration of a case on the basis of facts mentioned in the application. If the court feels that there is no sufficient ground to register a First Information Report, it can dismiss the application or file it as a complaint."

12. In case of **Amit Kapoor v/s Ramesh Chand, (2012) 9 SCC page 460**, The Hon'ble Supreme Court has held that-

"Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a wellfounded error and it may not be appropriate for the court to scrutinize the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the

finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits."

"The jurisdiction of the Court under Section 397 can be exercised so as to examine the correctness, legality or propriety of an order passed by the trial court or the inferior court, as the case may be. Though the section does not specifically use the expression prevent abuse of process of any court or otherwise to secure the ends of justice, the jurisdiction under Section 397 is a very limited one. The legality, propriety or correctness of an order passed by a court is the very foundation of exercise of jurisdiction under Section 397 but ultimately it also requires justice to be done. The jurisdiction could be exercised where there is palpable error, noncompliance with the provisions of law, the decision is completely erroneous or where the judicial discretion is exercised."

13. In case of **Sukhwasi vs State of U.P. {2007(59) ACC 739}**, The Hon'ble Allahabad High Court (Lucknow Bench) has held that-

"Applications under section 156(3) Cr.P.C. (new section- 173(4) B.N.S.S.) are now coming in torrents. Provisions under section 156(3) Cr.P.C. (new section- 173(4) B.N.S.S.) should be used sparingly. They should not be used unless there is something unusual and extra ordinary life miscarriage of justice."

14. In case of **Sone Lal and others vs State of Uttar Pradesh and others, in Criminal Misc. Application No. 5948/2024, dated 18/04/2024**, the Hon'ble High Court Allahabad held that-

"If the matter basically involves a matter of civil nature, then the court should cancel Section- 156(3) Cr.P.C. (new Section- 173(4) B.N.S.S) under the application."

15. From perusal of record, it is evident that there is no fraud of any kind in executing of the sale deed. It is also relevant from perusing of the case that this case is completely civil in nature, it is not a criminal case. Perusal of the case shows that no assault or any abuse happened by opponents. Hence, it appears that the revisionists/applicants have moved this application to cause unnecessary trouble to the opponents. No corroborative evidence has been found regarding the allegations made by the revisionists/applicants in this application. Hence, the application moved under section- 173(4) B.N.S.S. appeared to be incorrect.

16. Learned Magistrate has exercised his jurisdiction which is vested in it. Learned Magistrate has not committed any irregularity and illegality in passing the impugned order dated 10.03.2026. The learned Magistrate has passed the impugned order in accordance with law. There is no need to interfere with the impugned order dated 10.03.2026. Therefore, this Criminal Revision is liable to be **dismissed**.

ORDER

This Criminal Revision no. 96/2026, Kunjelal @ Vijay and Others vs State of U.P. and others is liable to be **dismissed**.

The impugned order dated 10.03.2026 passed by learned Chief Judicial Magistrate Court No. 18 is upheld.

A copy of the said order to be sent to the concerned court.

Dated:-07.08.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki.
JO Code - UP1899

The judgment signed, dated and pronounced by me in the open court today.

Dated:- 07.08.2026
Aditya/-

(Pratima Srivastava)
Sessions Judge,
Barabanki.
JO Code - UP1899