

IN THE COURT OF SESSIONS JUDGE, CHITRAKOOT

Present- Shesh Mani.....HJS



UPCH010003142026

Criminal Revision No.- 13/2026

1. Ramchandra @ Ashok Kumar, aged 54 years, son of Lakshmi Prasad.
2. Prajjwal @ Shashwat Gupta, aged 22 years, son of Ramchandra @ Ashok Kumar
3. Devansh Gupta @ Vibhu, aged 19 years, son of Ramchandra @ Ashok Kumar
4. Anju Gupta, aged 51 years, wife of Ramchandra @ Ashok Kumar Residents of Mandir Road, Bharatkoop, P.S. Bharatkoop, District- Chitrakoot.

.....(Revisionists/ Accused Persons)

Versus

1. Kalluram, aged 53 years, son of Jageshwar Gupta, resident of Akbarpur, Mandir Road, Bharatkoop, P.S. Bharatkoop, District- Chitrakoot.

.....(Opposite Party/ Complainant)

2. State of Uttar Pradesh

.....(Opposite Party)

U/s 397 Cr.P.C. (New Section 438 BNSS)
P.S.- Bharatkoop, District – Chitrakoot.

JUDGEMENT

1. Present Criminal Revision has been preferred under Section 438 B.N.S.S. against the order dated 03.02.2026 passed by the learned Chief Judicial Magistrate, Chitrakoot, in Complaint Case No. 5173/2024, titled Kalluram vs. Ramchandra @ Ashok Kumar and Others, whereby the accused persons Ramchandra @ Ashok Kumar, Prajjwal @ Shashwat, Vibhu @ Devansh and Anju Gupta were summoned for offence committed under Section 115(2), 352 of the Bhartiya Nagrik Sanhita.

2. Facts giving rise to the revision, in brief, are that the complaint case bearing no. 5173/2024 was filed by the complainant (Opposite Party No. 1, herein) with the allegations that the applicant is a peace loving businessman. The complainant purchased a portion of a house belonging to the brother of opposite party Ram Chandra @ Ashok Kumar through a registered sale deed. Due to this, Ram Chandra, his wife, and his sons bore enmity with the complainant and they frequently abused and threatened him. On 16.08.2024 at about 7:00 P.M., Ram Chandra @ Ashok Kumar, his sons Prajwal @ Shashwat and Vibhu @ Devansh, and his wife Anju Gupta entered the complainant's house armed with sticks and iron rod and they assaulted the complainant with kicks, fists and slaps and abused him and also beat his wife and daughter when they tried to save him. They threatened to kill them if they will report the matter and they damaged the household articles. The complainant submitted a written application regarding the said incident to Police Station Bharatkoop on the same day. When no action was taken on his application, after treatment, he sent the complaint through registered post to the Superintendent of Police, Chitrakoot on 21.08.2024, but till date neither action was taken nor FIR was registered. Prayer has been made to summon the accused persons and punish them for the offences punishable under Sections 115(2), 352, 351(2), 333, 74, 324(4) of the Bharatiya Nyaya Sanhita, 2023.

3. The statement of complainant was recorded under Section 223 of the B.N.S.S. and the statements of witnesses Santosh Kumar Gupta and Mohini Gupta were recorded under Section 225 of the B.N.S.S. as P.W.-1 and 2 respectively.

4. The objection dated 18.11.2025 Paper No. 17 Kha was filed by the Opposite Party No.-1 (revisionist herein), stating therein that the complaint has been filed on false grounds. The complainant himself admitted that there is a dispute regarding a house between the parties and that the accused bear enmity towards him on that account. No documentary evidence has been filed in support of the allegations. There are material contradictions in the statements of complainant, his wife and his daughter. No injury report has been filed on record by the complainant. Civil and criminal cases were already pending between the complainant and the accused persons prior to the filing of the present

complaint, which has been filed only to exert pressure upon the accused persons. Accordingly, the complaint is liable to be dismissed.

5. After hearing both the parties, the accused persons Ramchandra @ Ashok Kumar, Prajjwal @ Shashwat, Vibhu @ Devansh and Anju Gupta were summoned for offence punishable under Sections 115(2), 352 of the Bharatiya Nyaya Sanhita, 2023. Being aggrieved with the said order, the accused persons have filed the present revision.

6. In the revision, it is stated that the impugned order is wrong on law and facts. While passing the impugned order the learned Chief Judicial Magistrate, Chitrakoot did not take notice of statutory provision contained under Section 154, 156/135 and 137 of the B.N.S.S. No finding is recorded in the regard to averments made in the objection. There are material contradictions in the statements of the fact witnesses and the learned Magistrate has failed to consider the contradictions. The learned Chief Judicial Magistrate, Chitrakoot has committed jurisdictional error. Therefore, the summoning order dated 03.02.2026 is liable to be set aside.

7. Paper No. 15Kha is the objection filed on behalf of the opposite party wherein it is stated that the present revision is contrary to law and not maintainable. The civil and complaint cases are pending between the revisionists and the opposite party, and due the said dispute, the revisionist Ramchandra along with his sons and wife, committed the incident dated 16.08.2024 at about 7:00 P.M. The learned trial court, by its order dated 03.02.2026, has summoned the opposite parties (revisionists herein) in Complaint Case No. 5173 of 2024, Kalluram Gupta vs. Ramchandra @ Ashok Kumar and Others. The learned trial court has not committed any legal error and, after hearing both parties and thoroughly considering the evidence available on record, passed the impugned order in accordance with law. The revisionists had earlier filed Criminal Revision No. 28 of 2025, Ramchandra @ Ashok Kumar and Others vs. Kalluram Gupta and Others, wherein the learned Court passed an appropriate order and, in compliance with the said order, the learned trial court heard the opposite parties, considered their objections, and thereafter passed the impugned order. The revisionists have filed the

present second revision with the intention only to harass him, and therefore the revision is liable to be dismissed.

8. I have heard learned Counsel for the revisionist, learned counsel for opposite party No.-1 and the learned D.G.C. (Criminal) representing the State, and perused the record.

9. Sri Jagat Narayan Pandey, learned counsel for the revisionist, has submitted that a civil dispute is pending between the parties and, in order to exert pressure upon the accused/revisionists, the present complaint has been filed with malafide motive. Learned counsel further submits that the accused persons had filed objections in the complaint case, however, while recording the conclusions, the learned Chief Judicial Magistrate did not take note to the facts mentioned/narrated in the objection. The complainant is trying to give criminal colour to a civil dispute. The learned Chief Judicial Magistrate has committed a jurisdictional error in passing the impugned order.

10. Per contra, learned Sri Sushil Kumar Singh, representing opposite party No. 1, has submitted that the complainant (opposite party No. 1 herein) purchased the house from the brother of the accused Ramchandra @ Ashok Kumar, due to which accused persons were bearing grudge against the opposite party No.-1 and they launched attack on the complainant and also on his wife and daughter and inflicted injuries to them. The learned trial court has rightly summoned the accused persons for facing trial under Sections 115(2), 352 BNS.

11. From the record, it reveals that there is allegation against the accused persons/ revisionists that complainant Kalluram had purchased the portion of house which was the share of the brother of Ramchandra @ Ashok Kumar through registered sale deed and due to this enmity, Ramchandra, his sons and wife often used to abuse and threaten him and use to make altercations. On 16.08.2024 at 7 PM, Ramchandra @ Ashok Kumar, Prajjwal @ Shashwat, Vibhu @ Devansh and Anju under their common intention had beaten him with kicks, fists and slaps and abused him and when his wife and daughter came to his rescue, they attacked them also and while abusing threatened to be killed if the matter is reported anywhere and they damaged the household property. The complainant had appeared before the Court and was examined under

Section 223 BNSS (Old Section 200 Cr.P.C.) wherein he had reiterated his allegations made in his complainant regarding the abuses and the attack by the accused persons.

12. PW-1 Santosh Gupta (wife of complainant) and PW-2 Mohini Gupta (daughter of complainant) were examined before the Court under Section 225 BNSS (Old Section 202 Cr.P.C.).

13. PW-1 Santosh Gupta (wife of complainant) has stated in her statements that the incidence took place on 16.08.2024 at 7 PM. Opposite Parties Ramchandra, Anju, Prajjwal and Vibhu reached to her home and asked as to why they had purchased the house of his brother and for this reason, they started abusing and on being stopped, they had beaten her husband and her husband sustained injury due to beatings with kicks and fists.

14. PW-2 Mohini Gupta has stated before the court in her statements that the incidence took place on 16.08.2024 at 7 PM. She was present in her home. Opposite Parties Ramchandra, Anju, Prajjwal and Vibhu reached to her home and asked as if why they had purchased the house of his brother and then they started abusing and when stopped, they had beaten her as well as her father and mother due to which they sustained injuries.

15. These evidences shows that complainant had made clear allegations against the revisionists/ accused persons for abusing and beating him and his family members and the witnesses produced before the Court under Section 200 and 202 Cr.P.C. had corroborated such allegations and involvement of the revisionists/ accused persons in the incidence. The witnesses have clearly named the accused persons and deposed regarding their assault launched on the complainant party and the abuses hurled by them. These evidences sufficiently makes prima facie case against the revisionists/accused persons to face trial.

16. As regards to the contention of the learned counsel for the revisionist that there are contradictions in the statements of witnesses, on perusal of which, there seems no major contradiction to corrode the complainant's case at this initial stage. As far as the contention of the learned defence counsel that the complainant is giving criminal colour to civil dispute is concerned, since there are clear allegations and the witnesses have made clear statements that the accused persons had

launched attack on the complainant and his family and hurled filthy abuses on the alleged date and time of incidence, the conduct of accused persons had amounted to a criminal offence.

17. Similarly, The court does not find much force in the contention of the learned defence counsel that the treatment slip has the mention of address of injured as Hariharpur which is different to the address of the complainant, because, perusal of the treatment slip Paper No. 6 Ka clearly shows that the name of the injured is mentioned therein as Kalluram and the father's name of the injured is mentioned as Jageshwar. The name of injured and the father's name mentioned therein are similar to the name of complainant and the father's name of complainant. Although the treatment slip bears address of the injured to be Hariharpur but since the complete address is not mentioned therein, thus it could not be stated that the address is actually different from the address of the complainant. Moreover to this, the treatment slip bears date 17.08.2024 which is also similar to the alleged date of the incidence. All these clearly proves that initially the treatment paper belongs to the complainant and none else and at this stage, the treatment paper may not be disputed just because Hariharpur is mentioned in its address column.

18. As far as the contention of the learned defence counsel that no injury report of the injured persons is filed on record is concerned, it is noteworthy here that the accused persons have been summoned by the learned trial court under Sections 115(2) & 352 BNS (older Sections 323,504 IPC) and it is settled principle of law that to constitute an offence under Section 115(2) BNS, availability of any injury report is not a bounding and just the complain of body pain due to any assault is sufficient to constitute criminal offence under section 115(2) BNS.

19. Thus, there are sufficient evidence available on record to constitute the prima facie offence under Section 115(2), 352 BNS and it is the matter which needs no deeper analysis at this initial stage of the case. The revisionists may get sufficient opportunity to challenge their involvement in the incidence during trial of the case at the subsequent stage of hearing.

20. Keeping in view the facts and circumstances, I do not find any illegality or irregularity in the impugned order. As such, the criminal revision deserves dismissal.

ORDER

Criminal Revision Number 13 of 2026 Ramchandra @ Ashok Kumar and 3 Others Vs Kalluram and Another is hereby dismissed. Impugned order dated 03.02.2026 is hereby confirmed. The record be remitted back to the trial Court forthwith. Parties are directed to appear before the trial court on 17.07.2026.

Dated: 09.07.2026

(Shesh Mani)
Sessions Judge
Chitrakoot
J.O. Code- UP 5751

Judgment signed, dated and pronounced today by me in open Court.

Dated: 09.07.2026

(Shesh Mani)
Sessions Judge
Chitrakoot
J.O. Code- UP 5751