



UPKJ010005392026

In the Court of Sessions Judge, Kannauj

Presiding Officer- (NARENDRA KUMAR JHA H.J.S.), - UP02007

Criminal Revision No. 33 of 2026

Suresh Chandra son of Jauhari Singh, resident of Saraiprayag, PS Gursahayganj, District Kannauj.

..... Applicant/Revisionist.

Versus

1. State of U.P. through DGC (Criminal) Kannauj,
2. Shiv Singh Branch Manager State Bank, branch Saraiprayag, PS Gursahayganj, District Kannauj.
3. Prashantu Kumar, Cashier State Bank, branch Saraiprayag, PS Gursahayganj, District Kannauj.

..... Opposite parties/Respondents.

JUDGMENT

The present criminal revision under Section 438 of the BNSS is directed against the order dated 28.11.2025 passed by the Court of the Chief Judicial Magistrate, Kannauj in connection with Misc. Case No. M/516/12/2025, *Suresh Chandra Yadav vs. Shiv Singh*, whereby and whereunder the application under Section 173(4) of the BNSS has been directed to be registered as a complaint case and the complainant was directed to produce his evidence.

The facts of the case are that an application under Section 173(4) BNSS was filed before the Chief Judicial Magistrate, Kannauj, with the statement that the applicant maintains a savings account in the State Bank of India, Saraiprayag, P.S. Gursahayganj, District Kannauj and as per the complainant, more than two lakh rupees were deposited in the account, but allegedly the amount was withdrawn by connivance of the bank. As per the complainant, he never withdrew any amount, though his son had withdrawn Rs. 5,000/-. Apart from that amount, nothing was withdrawn either by him or his son. The gist of the allegation is that the bank officials have misappropriated the money by transferring the funds to a different account, which requires police investigation, as the complainant cannot collect the necessary evidence himself.

The learned court considered the application and passed the order under revision.

Learned counsel appearing for the revisionist submits that the narration in the application under Section 173(4) BNSS is of such a nature that he cannot collect evidence to substantiate the allegations made therein.

Learned counsel appearing for the bank submits that he has documents with him which shows that amount, the amount was withdrawn by the son of the complainant. Thus, the bank has taken the stand that the amount was withdrawn by the son of the complainant.

At this stage, such rival contentions cannot be decided, as the same require a full-fledged trial. Since the bank has taken a stand before the court that the amount has been withdrawn by the son of the revisionist, in the opinion of this court, it would be the liability of the bank to prove this fact before the trial court, failing which a logical conclusion shall be drawn.

It is significant to note that when an application under Section 174(4) BNSS is filed before a court, the court has three options: —

- (1) It may reject the application;
- (2) It may direct the police to register an FIR; and
- (3) It may convert the application into a complaint and proceed with the inquiry.

All three options are within the jurisdiction of the court. In the present case, the court has exercised one of the options which in the opinion of this court, is within the competence of learned trial court. Consequently, this court does not find any illegality in the order passed by the learned Chief Judicial Magistrate, Kannauj. Therefore, the criminal revision is liable to be dismissed with the observations made hereinabove.

ORDER

The present Criminal Revision No. 33 of 2026 filed by the revisionist is hereby dismissed. The impugned order dated 28.11.2025 passed by the learned Chief Judicial Magistrate, Kannauj, Misc. Case No. M/516/12/2025, Suresh Chandra Yadav vs. Shiv Singh, is affirmed. A copy of this order shall be transmitted to the trial court. The record be consigned to the Record Room in accordance with rules.

Date: 04.04.2026

(Narendra Kumar Jha)
Sessions Judge,
Kannauj.
JO Code UP02007