

Criminal Revision No. 127 of 2025

CNR:JHJR01-004222-2025

**In the court of Namita Chandra, Addl. Sessions Judge-VI, East
Singhbhum at Jamshedpur**

The 25th day of June, 2026

Criminal Revision No. 127 of 2025

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(Revision against the order dated 26.11.2024 passed by the court of Mr. Alok Kumar, Judicial Magistrate First Class, Jamshedpur, in Complaint Case No. 492/2024)

1. M. P. Singh, S/o Late Baleshwar Singh,
 2. Rajni Singh, W/o M. P. Singh,
 3. Rishika Singh, D/o M. P. Singh,
- All resident of M-29, NIT Cooperative Society, Adityapur-2, P.O. &
P.S. - Adityapur, District – Seraikella Kharsawan

.....Revisionists

--- Versus ---

1. The State of Jharkhand
2. Anju Singh, W/o Rakesh Singh, resident of 40/A Block,
Neelkanth Apartment, Dimna Road, P.S. Ulidih, Mango, Jamshedpur

..... Opp. Parties

For the revisionists : Mr. Pankaj Kumar Sinha, Ld. Advocate
For the State : Ms. Babita Kumari, Ld. Addl. P. P.
For Opp. Party No.2 : Mr. Virendra Singh, Ld. Advocate

ORDER

1. The present revision application has been filed by the revisionists, (1) M. P. Singh, (2) Rajni Singh, and (3) Rishika Singh, being aggrieved by the order dated 26.11.2024 passed by the court of Mr. Alok Kumar, the then Judicial Magistrate First Class, Jamshedpur in Complaint Case No. 492 of 2024 whereby and whereunder the Ld. Trial Court by the impugned order took cognizance of offences only u/s 323/504/417 of the IPC against the

accused persons, namely, (1) Rishika Singh, (2) Mahendra Pratap Singh, and (3) Rajni Singh.

Complainant's case - in brief:

2. The complaint had been filed by Anju Singh against three accused persons alleging that accused Rishika had trapped her son in a love affair and cheated him of Rs. 10 lakh and gold jewellery worth Rs. 6,83,750 between 2021 and 2023. It was alleged that when return of the money and jewellery was demanded, a false FIR was lodged against the complainant's son at Lalpur Police Station, Ranchi. The complainant thereafter sent a complaint to the Jharkhand Human Rights Commission and issued a legal notice to the accused. It was further alleged that after receiving the legal notice, the accused threatened the complainant and, on 27.01.2024 at about 7:00 PM, came to her house, assaulted her and her son, and threatened them with death and false implication. Since the police allegedly refused to act and treated the matter as a money dispute, the present complaint was filed.

Order of the Ld. Magistrate:

3. Vide the impugned order dated 26.11.2024, the Ld. JMFC observed as follows :

"वर्तमान वाद में परिवादी अंजू सिंह द्वारा अभियुक्तगण 1. ऋषिका, 2. महेन्द्र प्रताप सिंह, 3. रजनी सिंह पर वर्तमान परिवाद पत्र इस आशय का लाया गया है कि वादिनी और अभियुक्त के परिवार से काफी समय से जान-पहचान था। अभियुक्त संख्या 1 ऋषिका ने वादिनी के बेटे को अपने प्रेम जाल में फंसाकर तथा वादिनी के बेटे से 10 लाख रुपया एवं सोने का गहना जोकि 6 लाख 83 हजार 750 रुपया का था वह 2021 से 2023 के मध्य ठगी कर ली। जानकारी होने पर वादिनी ने पैसे की माँग की तो अभियुक्त संख्या 1 द्वारा एक झूठा केस लालपुर थाना रॉची में दिनांक 27.06.2023 को वादिनी के बेटा के खिलाफ सन्हा के रूप में दर्ज करवाया। वादिनी ने इस ठगी के बिरोध में मानवाधिकार आयोग को पत्र लिखा तथा दिनांक 02.01.2024 को अभियुक्त को लीगल नोटिश भी भेजा। परिवादिनी ने अपने वाद के समर्थन में स्वयं अपना ससपथ बयान एवं जॉच साक्षी में अपने पति राकेश कुमार सिंह एवं अपने लड़के राहुल सिंह का

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जॉच साक्ष्य दिया तथा दिनांक 02.01.2024 का कानूनी नोटिश भेजा। जिसमें साथ में मानवाधिकार आयोग को भेजे पत्र की कॉपी और लालपुर थाना में दाखिल सन्हा गौरीशिका द्वारा दाखिल उसकी कॉपी दिया। अतः परिवाद पत्र, जॉच साक्षी और अन्य कागजातों के अवलोकन से अभियुक्तों के विरुद्ध 323, 504, 417 भादवि के अंतर्गत प्रथम दृष्टया अपराध पाते हुए नोटिश जारी करने का आदेश दिया जाता है। परिवादी आपेक्षिकाएँ दाखिल करें। वास्ते दिनांक: 18.11.4 आपेक्षिकाएँ दाखिलार्थ

Grounds of revision:

4. Learned counsel for the revisionists submitted that the complaint case had been filed maliciously and as a counterblast to the complaint earlier lodged by Rishika Singh against Rahul Singh at Lalpur Police Station, Ranchi. It was argued that the allegations were false, vague and baseless, and did not disclose the ingredients of offences under Sections 323, 504 and 417 IPC. It was further submitted that the revisionists were senior citizens with clean antecedents and medical ailments, and had been falsely implicated only to harass and humiliate them. No medical report or reliable material was produced to support the allegation of assault, and the allegations of cheating and intentional insult were also lacking in necessary particulars. It was lastly submitted that the summoning order dated 26.11.2024 had been passed mechanically, without proper application of judicial mind, and accordingly prayer was made to set aside the said order.

Oral arguments of the parties:

5. Learned counsel for the revisionists submitted that the complaint alleged that on 27.01.2024 all three accused came to the complainant's house, abused her and assaulted her, but there was no police report or reliable material on record to show that the ingredients of Sections 323 and 504 IPC were prima facie attracted. It was argued that revisionist No. 1, Mahendra Pratap Singh, was a senior citizen and the allegations against him

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were baseless. It was further submitted that there was delay in filing the complaint, which supported the plea that the case was a counterblast. There was also no material to show that the payments allegedly made by Rahul Singh to Rishika Singh were in fact loans for the medical treatment of her mother, or that the parents of Rishika Singh were involved in the alleged cheating. The amount allegedly cheated varied in the written statement, complaint to the Jharkhand Human Rights Commission and the complaint petition. Though the complainant claimed payment of Rs. 6,83,750/- through bank account, no bank statement was produced, and the UPI screenshots filed did not add up to the said amount; some screenshots also appeared to be duplicate. It was further submitted that the letter sent to the Jharkhand Human Rights Commission did not establish the veracity of the allegations, and there was nothing to show whether any order or direction had been passed thereon. Even the queries put by the learned Trial Court to the enquiry witnesses did not bring out the truthfulness of the alleged offences or the alleged connivance of revisionist Nos. 1 and 2.

6. The learned Addl. Public Prosecutor argued that the impugned order was passed by the Ld. Trial Court upon due consideration of all the materials available on record and therefore the present revision was not at all maintainable and hence fit to be dismissed.

7. The learned counsel appearing on behalf of the Opp. Party No. 2 argued that the impugned order did not require any interference, since the same has been passed upon consideration of the materials available on the record and taking into mind the evidence available on record. The learned

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counsel contended that it was not mandatory for the learned court to explain in detail the reasons behind taking cognizance of the offences against the accused persons and, instead, only a *prima facie* satisfaction of the court was sufficient for arriving at the conclusion that it did.

8. Heard the Ld. Counsel for revisionist as well as Ld. APP and the Ld. Counsel for the Opp. Party no. 2 and perused the case record. The limited question in the instant criminal revision is whether the order dated 26.11.2024 of the Ld. Trial Court, vide which a prima facie case of offences against the revisionists herein u/s 323/504/417 of IPC was made out, is liable to be sustained or not.

Settled legal position :

9. The court would first analyse the legal position. The order dated 13.12.2024 is a summoning order. The courts have already held in a catena of cases that the order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto.

10. The law on the issue is fairly settled. In the case of *Lalankumar Singh and Others v. State of Maharashtra* 2022 SCC OnLine SC 1383, the Hon'ble Supreme Court held :

“28. The order of issuance of process is not an empty formality. The Magistrate is required to apply his mind as to whether sufficient ground for proceeding exists in the case or not. The formation of such an opinion is required to be stated in the order itself. The order is liable to be set aside if no reasons are given therein while coming to the conclusion that there is a prima facie case against the accused. No doubt, that the order need not contain detailed reasons. A reference in this respect could be made to the judgment of this Court in the case of Sunil Bharti Mittal v. Central Bureau of Investigation (2015) 4 SCC 609, which reads thus:

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“51. On the other hand, Section 204 of the Code deals with the issue of process, if in the opinion of the Magistrate taking cognizance of an offence, there is sufficient ground for proceeding. This section relates to commencement of a criminal proceeding. If the Magistrate taking cognizance of a case (it may be the Magistrate receiving the complaint or to whom it has been transferred under Section 192), upon a consideration of the materials before him (i.e. the complaint, examination of the complainant and his witnesses, if present, or report of inquiry, if any), thinks that there is a prima facie case for proceeding in respect of an offence, he shall issue process against the accused.

52. A wide discretion has been given as to grant or refusal of process and it must be judicially exercised. A person ought not to be dragged into court merely because a complaint has been filed. If a prima facie case has been made out, the Magistrate ought to issue process and it cannot be refused merely because he thinks that it is unlikely to result in a conviction.

53. However, the words “sufficient ground for proceeding” appearing in Section 204 are of immense importance.

*It is these words which amply suggest that **an opinion is to be formed only after due application of mind that there is sufficient basis for proceeding against the said accused and formation of such an opinion is to be stated in the order itself. The order is liable to be set aside if no reason is given therein while coming to the conclusion that there is prima facie case against the accused, though the order need not contain detailed reasons.** A fortiori, the order would be bad in law if the reason given turns out to be ex facie incorrect.”*

11. Additionally, in the case of Amresh Kumar Dhiral and Another versus State of Jharkhnad and another reported in CRMP NO. 2744/2013, the Honble Jharkhand High Court reiterated in para 25

*“The order taking cognizance under Section 190 Cr.P.C. and order issuing process under Section 204 Cr.P.C., can very well a composite order but as observed, the application of mind would be different in both cases. **This application of mind must be reflected in the order itself. The order should not be mechanical. Magistrate has to mention at least that there are sufficient materials to proceed against the persons and what are the prima facie materials to proceed against them. He need not pass a detail judgment evaluating the materials, which are before him. The detail reasons as to why he is taking cognizance or issuing process are not to be mentioned but at least what are the bare minimum prima-facie materials against the accused petitioners should be mentioned in the order issuing summon and prima facie what offence is alleged, in the order taking cognizance”.***

12. In light of the above stated legal position, the court now proceeds the factual matrix of the case on the touchstone of legal principles settled by the superior courts time and again.

Analysis:

13. I have heard the Ld. counsel of the revisionists as well as Ld. Addl. P.P. and the Ld. counsel for Opp. Parties No. 2 and also perused the documents available on the Trial Court's Record (TCR). The law is well settled that the order making out a prima facie case must reflect the subjective satisfaction of the Magistrate that a prima facie case exists against the accused. It has been settled by the Supreme Court in a catena of cases that the summoning order must be passed after the Magistrate applies his mind to the materials on record and comes to the conclusion that there is sufficient ground for proceeding. This application of mind must be apparent from the order itself. A non-speaking order cannot be sustained in law.

14. It has also been settled in a catena of judgments that, the order of making out a prima facie case and issuance of process must reflect due application of mind by the Magistrate. The order should not be mechanical or routine in nature. While the Magistrate is not expected to pass a detailed or elaborate order at this stage but the order must at least indicate that he has considered the materials available on record and formed an independent opinion. The Magistrate must record, even briefly, that sufficient grounds exist to proceed against the accused and what those prima facie materials are. It is not necessary to discuss or analyse the evidence in detail, but a bare minimum reference to the materials that disclose the commission of offence is required.

15. In this backdrop, I find that the impugned cognizance order passed by the Ld. Trial Court appears to be cryptic and does not give any indication of

the basis on which he formed an opinion that there exists sufficient ground for summoning the accused persons. The Ld. Magistrate merely reproduced the materials on record and thereafter recorded a bald conclusion that a prima facie case was made out under Sections 323, 504 and 417 IPC as reflected from her order "...अतः परिवाद पत्र, जॉच साक्षी और अन्य कागजातों के अवलोकन से अभियुक्तों के विरुद्ध 323, 504, 417 भादवि के अंतर्गत प्रथम दृष्टया अपराध पाते हुए नोटिश जारी करने का आदेश दिया जाता है। परिवादी आपेक्षिकाएँ दाखिल करें। वास्ते दिनांक: 18.11.4 आपेक्षिकाएँ दाखिलार्थ”.

16. Section 204 IPC does not require the Magistrate to expressly record reasons for issuance of summons. However, the summoning order must reflect that the Magistrate had applied his judicial mind to the materials on record before forming the opinion that sufficient grounds existed to proceed. In the present case, the impugned order does not reflect due consideration of the facts and documents placed on record, nor does it disclose any reasoning, even briefly, as to how the Magistrate arrived at the conclusion that a prima facie case was made out.

17. Therefore, having due regard to the rival submissions as well as after going through the impugned order, perusal of Trial Court Record, and the testimonies of the witnesses, I am of a considered opinion that the impugned order dated 26.11.2026 passed by the court of Mr. Alok Kumar, Judicial Magistrate First Class, Jamshedpur in Complaint Case No. 492/2024 does not stand the basic test of ‘application of mind’, and, therefore, the same cannot be upheld.

18. In light of the legal principles as explained above, the same cannot be

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upheld. Accordingly, the instant criminal revision is accordingly **disposed off** and the matter is remanded back to the Ld. Court below for passing afresh order in accordance with law. Nothing contained herein shall be construed to be an opinion on the merits of the case. Let a copy of this order be sent to the Court concerned for information and needful.

19. Let a copy of this order be sent to the Court concerned for information and needful.

Sd/-
(Namita Chandra)
I.D. No. : JH02098
Addl. Sessions Judge-VI
East Singhbhum, Jamshedpur
25th June, 2026

(Dictated and Corrected by me)

Sd/-
(Namita Chandra)
I.D. No.: JH02098
Addl. Sessions Judge-VI
East Singhbhum, Jamshedpur
25th June, 2026