

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1204 of 2024

1. Dharmbir Sharma @ Dharambir Kumar @ Dharambir, aged about 45 years,
2. Subhash Sharma @ Subhas, aged about 47 years,
Both sons of late Mahendra Singh and Both residents of L2/18 Kulsi Road, Sakchi, Police Station and P.S. Sakchi, Town Jamshedpur, District-Singhbhum (East)

..... ... Petitioners

Versus

1. The State of Jharkhand
2. Mukesh Mittal, son of late Shankar Lal Mittal, resident of Govindnagar, Bhatia Basti, Main Road, Near State Bank of India, P.O. and P.S. Kadma, town Jamshedpur, District-East Singhbhum

..... ... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Jitendra Nath Upadhyay, Advocate

For the State : Mr. Saket Kumar, A.P.P.

08/ 19.09.2025: Heard learned counsel for the petitioners and learned counsel for the State.

2. The present revision application has been filed against the order dated 06.07.2024 passed in G.R. Case No. 2229 of 2009, by learned Chief Judicial Magistrate, Jamshedpur whereby the discharge petition dated 10.05.2023 filed by the petitioners, has been rejected, pending in the Court of learned Chief Judicial Magistrate, Jamshedpur.

3. It transpires that this petition has been filed directly before the High Court without approaching the learned Sessions Judge.

4. The scope and ambit of Section 397 of the Code is not only confined to the correctness or legality of the order but also to its propriety. Both the Courts of Sessions and Magistrate are inferior to the High Court and Courts of Judicial Magistrate are inferior to the Court of Sessions Judge. When an order is passed by the learned Sessions Judge, the only remedy left with the aggrieved party is to approach the High Court under the said Code to question correctness, legality or propriety, but when the same is passed by a Magistrate, though power lies to both the Sessions and the High Court, but

as a matter of prudence and propriety, it will be appropriate to first approach the first forum and except in rare and special circumstances to the High Court. Such special circumstances may be where the Sessions Judge has directly or indirectly participated in the enquiry or investigation or trial or through his any action or order interest of justice demands that High Court alone should interfere in the order of the learned Magistrate.

5. This issue in question has already been decided in Criminal Revision No. 417 of 2023 in the case of Dharam Kumar Saw @ Dharam Kr. Gupta and others Vs. State of Jharkhand and Another by order dated 11.09.2025.

6. Nothing special circumstance has been shown to this Court to directly approaching the High Court and in view of that the case of the petitioner is covered in the light of judgment passed in Cr. Revision No. 417 of 2023.

7. Consequently, this criminal revision is dismissed. However, the petitioners are at liberty to file fresh revision petition before the learned Sessions Judge and for purpose of limitation pendency of this criminal revision before this Court will be taken into consideration.

(Sanjay Kumar Dwivedi, J.)

satyarthi-
Dt. 19.09.2025