

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 35 of 2025

Deoraj Singh, wife of late Dineshwar Singh, aged about 72 years, resident
of village Rabodh, P.O. and P.S. Mandu, District-Hazaribagh
..... ... Petitioner
Versus
The State of Jharkhand
..... ... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI
For the Petitioner : Mr. Parth Jalan, Advocate
For the State : Mr. Prabir Kr. Chatterjee, Spl.P.P.

04/ 19.09.2025: Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present revision application has been filed against the order dated
13.09.2024 passed by learned Additional Chief Judicial Magistrate, Ramgarh in
Mandu (Kunju) P.S. Case No. 32 of 2011, G.R. Case No. 475/2011, MCA Case No.
1970 of 2022, whereby the discharge petition filed by the petitioner under section
239 of Cr.P.C., has been rejected, pending in the Court of learned Additional Chief
Judicial Magistrate, Ramgarh.

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 petitioner is 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