

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.21 of 2024

Arising Out of PS. Case No.-85 Year-2010 Thana- RUPAULI District- Purnia

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Randhir Kumar Singh Son of Late Chandra Moleshwar Prasad Singh
R/o vill - Mohanpur, P.S. - Rupauli, distt. - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Singh Son of Late Chandra Moleshwar Prasad Singh
R/o vill - Mohanpur, P.S. - Rupauli, Distt. - Purnea, At present R/o
Court Station, Purnea, Near House of Sri Pappu Yadav, Ex. M.P., P.S. -
K. Hat, Purnea, Distt. - Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha, Sr. Adv., Mr. Bijendra Kumar Singh, Adv.
For O.P. No. 2	:	Mr. N.K. Agrawal, Sr. Adv., Mr. Saket Gupta, Adv.
For the State	:	Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

7 17-06-2025 The instant criminal revision is directed against an

order dated 10th November, 2023, passed in Criminal Appeal

No. 09 of 2023, by the learned Sessions Judge, Purnea, whereby

and whereunder the learned Sessions Judge was pleased to set

aside the Judgment and order and acquittal, passed by the

learned Judicial Magistrate, 1st Class, Purnea, in connection with



G.R. Case No. 2269 of 2010, arising out of Rupauli (Mohanpur/Routii) P.S. Case No. 85 of 2010, whereby and whereunder the accused (petitioner herein) was acquitted of the charge under Sections 420/468/471 of the I.P.C.

2. The above mentioned criminal case arose out of a family dispute regarding distribution and amicable partition of land which the parties and his two brothers inherited, as a result of succession. The petitioner is one of the full brothers of opposite party no. 2/original complainant. They have two other brothers namely Nirmal Kumar Singh and Keshar Kumar Singh. All the full brothers inherited some piece and parcel of land and decided to partition the land amicably. Dispute arose after the partition.

3. According to the case of Ashok Kumar Singh, original complainant, Plot No. -1027, comprising an area 0.81 acre in Khata No. 115/32 was allotted to him, but the accused (petitioner herein) surreptitiously manipulated hindi digit 8 to hindi digit 6. Thus, it was allegedly shown that the complainant actually got 0.62 acres land in plot no. 1027 and remaining 20 decimals of land went to the share of the accused.

4. The opposite party no. 2 as complainant lodged a complaint before the learned C.J.M., Purnea, which was



transmitted as Rupauli (Mohanpur) Outpost under Section 156(3) of the Cr.P.C. with a direction to the Officer-in-charge of the Police Station to register specific case against the accused.

5. Accordingly, a case under Sections 468/471/420 of the I.P.C. was registered against the accused/petitioner.

6. During trial of the case, parties led evidence and on examination of evidence, the learned Judicial Magistrate held that the prosecution failed to bring home the charge against the accused and he was acquitted of the charge.

7. The de facto complainant preferred an appeal before the learned Sessions Judge at Purnea.

8. The learned Sessions Judge was pleased to set aside the order of acquittal and remanded the case for re-trial to the trial court, on the ground that the trial court ought to have taken recourse to Section 165 of the Indian Evidence Act to direct the parties to produce the document of amicable partition and to examine the same as an expert of all experts to see as to whether there is any manipulation in the said partition deed, in respect of area of land of Plot No. 1027.

9. It is contended by the learned Advocate for the petitioner that the original partition deed is lying with the complainant. If the complainant fails to produce the said



document and for non-production of the said document, the accused gets some relief, the Court cannot again direct the parties to produce the said document for re-trial of the case.

10. I have duly considered the submission made by the learned counsel for the parties, it is not for the Court to see as to whether for non-production of any document, any of the parties have received any benefit or not.

11. On the other hand, it is the duty of the Court to see as to whether a lis can be effectively decided for good or not.

12. It is true that the original partition deed is in custody of the complainant. This Court fails to understand as to why the said document was not produced by the complainant during trial of the case.

13. However, on perusal of the impugned order, passed by the appellate court, I do not find any infirmity.

14. The parties are directed to take part in the trial of the case afresh, as per direction of the appellate court, and the trial court shall take all endeavour to dispose of the case within six months from the date of communication of this order.

15. The opposite party no. 2 is also directed to produce the original partition deed before the learned Magistrate for his examination and final decision.



16. With the above order, the instant criminal revision
is disposed of.

(Bibek Chaudhuri, J)

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