

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.784 of 2024

Arising Out of PS. Case No.-437 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Ketan Chaudhary @ Ketan Kumar Chaudhary Son of Dayanath Choudhary
Resident of- Village and PO - Darhar, Bahadurpur, P S - Bahadurpur, District-
Darbhanga, Bihar-846001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjan Kumar, then the SHO Shakatpur Son of Preman Prasad Resident of
Village - Mai, PS - Dhanarua, District- Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Raghu Raj Pratap, Advocate Ms. Anu Priya, Advocate
For the State	:	Mr. Yogendra Kumar, A.P.P.
For the O.P. No. 2	:	Mr. Shamir Mehra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 29-04-2026

Re :- I.A. No. 01 of 2025

This is an application for condonation of delay of 290
days in filing the present revision application.

2. For the reasons stated in the application, delay in
filing the revision application is condoned.

3. The interlocutory application is accordingly
disposed of.

CR. REV. No. 784 of 2024

On 23.03.2026, a detailed order has been passed
which reads as under:-



Heard the learned counsel for the petitioner and learned A.P.P. for the State.

2. The present revision application has been filed against the order dated 22.08.2023 passed in Darbhanga Complaint Case No. 437 of 2022 by the Judicial Magistrate, Ist Class, Darbhanga whereby and whereunder the learned trial court dismissed the complaint petition under Section 203 of Cr.P.C. on the sole ground of want of sanction order.

3. As per prosecution case, the complainant/informant registered a case in Saketpur Police Station, Darbhanga wherein it is alleged that some of the police officials along with other assaulted and abused the informant/complainant. They also assaulted the complainant/informant, however, some police men of Laheria Sarai police station tried to save the complaint/informant and took him inside the police station.

4. Learned counsel for the petitioner submits that initially, an FIR was lodged in connection with which the informant/complainant had gone to the police station with his uncle. He further submits that present case bearing Laherisarai P.S. Case No. 251 of 2018 was registered against O.P. No. 2 under Sections 341, 323, 379, 504, 506 of IPC. He further submits that the Investigating Officer



has submitted final report in the said case and communicated that the case is true, but clueless. He further submits that a protest petition has been filed in the present case i.e. Laherisarai P.S. Case No. 251 of 2018. He further submits that the petitioner has filed a protest petition which has been treated as Complaint Case No. 437 of 2022 and on 22.08.2023 the court, after examining the complainant as well as three enquiry witnesses, has dismissed the complaint after recording reasoning that there is no sanction order on record and dismissed the complainant petition. Hence, the present revision petition.

5. The learned counsel for the State has vehemently submitted that in the present case FIR has been lodged bearing Laheria Sarai P.S. Case No. 251 of 2018 by the informant/complainant and after investigation, the final report has been submitted and the case is found clueless and the concerned court has given ample opportunity to complainant/informant by treating the protest petition as Complainant Case No. 437 of 2022 and the complainant was also examined on oath and produced three enquiry witnesses namely, Sanjeev Kumar Chaudhary, Mithu Kumar and Ranju Devi and in support of complaint, it has been submitted that enquiry witness no. 1 said nothing about the time and date of occurrence



and enquiry witness no. 2 in his statement has stated that occurrence took place on 16.05.2018 at about 07:30 and the court has given very sound reasoning on the basis of material available on record that the enquiry witnesses have divergent statements regarding the occurrence. Lastly, the court has also quoted that sanction order is also not available on record.

6. In the case of revision petition, the court has to see whether the order suffers from illegality, irregularity and impropriety.

7. While passing the impugned order, the concerned court has given wider focus on the statements of all the enquiry witnesses and has explained how the complaint has been dismissed. In this way, there is no reason to differ from the finding of the concerned court.

8. At this stage, learned counsel for the petitioner seeks two weeks' time to file some necessary documents through supplementary affidavit.

9. Time, as prayed for, is granted.

10. Re-list this matter on 06.04.2026.

11. It is made clear that if learned counsel for the petitioner fails to file supplementary affidavit on the next date of hearing, the matter would be decided on the basis of the materials available on record.

2. On 23.03.2026, adjournment has been sought by



the learned counsel for the petitioner to file some necessary documents through supplementary affidavit on the next date of hearing. Again, on 06.04.2026 time was given as a last chance with a condition that if the same attitude continues on the next date of hearing, the matter would be dismissed for non-prosecution.

3. Today, learned counsel for the petitioner is present and no supplementary affidavit has been filed. In this way, it is necessary to adjudicate the matter finally.

4. Learned counsel for the petitioner has not filed supplementary affidavit but he is aggrieved with the impugned order passed by the concerned Magistrate. He submits that the informant is a victim of assault, but the learned trial court did not go through the material available on record and passed the impugned order.

5. Learned counsel appearing for the respondent no. 2 submits that while dismissing the complaint petition complainant was examined and three enquiry witnesses were also examined in support of his complaint but their statements regarding the said occurrence are divergent.

6. Learned counsel for the State has also supported the order of dismissal which has been passed by the concerned



Magistrate.

7. After hearing the parties concerned, it is evident that in para 5 of the order dated 23.03.2026 elaborate discussion has been made where the learned counsel for the State has taken plea that all the enquiry witnesses have been examined in support of the complaint and enquiry witness 1 has stated nothing about the time and date of occurrence and enquiry witness 2 has stated that the occurrence took place on 16.05.2018 at about 07:30 a.m. and the reasoning of the court is that enquiry witnesses have divergent statements regarding the occurrence and the court has quoted that sanction order is also not on record.

8. After going through the material available on record, it is crystal clear that while dismissing the complaint, the court has discussed all the enquiry witnesses and their statements are inconsistent with each other regarding the date and time of occurrence. The very core aspect of the complaint has not been supported by the enquiry witnesses. In this way, the order passed by the concerned court is not, in any way, in derogation of statutory provisions and there is no reason to differ from the finding of the concerned court and there is no grievance that opportunity was not given by the concerned court



to adduce the evidences of enquiry witnesses rather sufficient opportunity was given for examining the enquiry witnesses and the court, after perusing the material on record, reached to the particular conclusion and dismissed the complaint petition. The contention of the learned counsel for the State as well as learned counsel appearing for the O.P. No. 2 is quite tenable and sustainable in the light of the facts and circumstances of the case. Learned counsel for the petitioner has not succeeded to prove as to why order of the learned trial court suffers from irregularity, illegality and impropriety. In this way, the order of the concerned court is justified and legal.

9. Accordingly, the present criminal revision petition stands dismissed.

10. Interlocutory application(s), if any, shall also stand disposed of.

(Alok Kumar Pandey, J)

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