

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1542 of 2019

Arising Out of PS. Case No.-267 Year-2012 Thana- BETTIAH CITY District- West
Champaran

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Shabana Praveen D/o- Safaur Rahman, Resident of Village- Mahawat Toli,
Ward No. 35, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Firoz Ahamad Khan S/o- Isteyaq Ahmad, Resident of Village- Chhawani,
P.S.- Bettiah Nagar, District- West Champaran.
3. Nazia Parween D/o- Qunain, Resident of Village- Chhawani, P.S.- Bettiah
Nagar, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the State : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 18-06-2026 Learned counsel for the petitioner has removed all the
defects, however, he has not paid the cost of Rs.1,000/-. But he
submits that the petitioner is not in a position to pay the cost.

2. In view of the incapacity of the petitioner to pay the
cost, the cost is waived off.

3. Now the case is matured for hearing on admission.

4. Heard learned counsel for the petitioner on
admission.

5. The present revision petition has been preferred
against the impugned judgment dated 12.07.2019 passed by



learned Additional Sessions Judge-II, West Champaran at Bettiah, whereby learned Appellate Court has upheld the judgment of acquittal passed by learned Judicial Magistrate Ist Class, West Champaran at Bettiah in G.R. Case No. 1644 of 2012, Criminal Trial No. 516 of 2018 arising out of Bettiah Town P.S. Case No. 267 of 2012, whereby learned Trial Court has acquitted the Respondent Nos. 2 and 3 of all the charges framed under Sections 420, 387, 354 and 120B of the Indian Penal Code.

6. I heard learned counsel for the petitioner and learned A.P.P. for the State and perused the material on record.

**Extent and Scope of Revisional Jurisdiction of
the High Court**

7. Before I proceed to consider the rival submission of the parties, it is desirable to see the extent and scope of revisional jurisdiction of High Court. As per the statutory provisions and judicial precedents, it is settled principle of law that the revisional jurisdiction conferred upon the High Court is a kind of paternal or supervisory jurisdiction under Section 397 read with Section 401 Cr.PC in order to correct the miscarriage of justice arising out of judgment, order, sentence or finding of subordinate Courts by looking into correctness, legality or propriety of any finding, sentence or order as recorded or passed



by subordinate Courts and as to the regularity of any proceeding of such inferior Courts.

8. However, the exercise of revisional jurisdiction by the High Court is discretionary in nature to be applied judiciously in the interest of justice.

9. Under revisional jurisdiction, the High Court is not entitled to re-appreciate the evidence for itself as if it is acting as a Court of appeal, because revisional power cannot be equated with the power of an Appellate Court, nor can it be treated even as a second appellate jurisdiction. Hence, ordinarily, it is not appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Trial and Appellate Court, unless there are exceptional situations like glaring error of law or procedure and perversity of finding, causing flagrant miscarriage of justice, brought to the notice of the High Court. Such exceptional situations have been enumerated by Hon'ble Apex Court on several occasions which are as follows:-

(i) when it is found that the trial court has no jurisdiction to try the case or;

(ii) when it is found that the order under revision suffers from glaring illegality or;



(iii) where the trial court has illegally shut out the evidence which otherwise ought to have been considered or;

(iv) where the judgment/order is based on inadmissible evidence, or;

(v) where the material evidence which clinches the issue has been overlooked either by the Trial Court or the Appellate Court or;

(vi) where the finding recorded is based on no evidence or;

(vii) where there is perverse appreciation of evidence or;

(viii) where the judicial discretion is exercised arbitrarily or capriciously or;

(ix) where the acquittal is based on a compounding of the offence, which is invalid under the law.

10. However, it has been cautioned by Hon'ble Supreme Court that the aforesaid kinds of situations are illustrative and not exhaustive.

11. Here, one may refer to the following judicial precedents:

(i) Akalu Ahir and Ors. vs Ramdeo Ram
(1973) 2 SCC 583

(ii) K. Chinnaswami Reddy vs State of A.P.
1962 SCC Online SC 32



- (iii) Duli Chand Vs Delhi Administration
(1975) 4 SCC 649
- (iv) Janta Dal Vs H.S. Chowdhary & Ors.
(1992) 4 SCC 305
- (v) Vimal Singh Vs Khuman Singh & Anr.
(1998) 7 SCC 323
- (vi) State of Kerala Vs. Puttumana I. J. Namboodiri
(1999) 2 SCC 452
- (vii) Thankappan Nada & Ors. Vs. Gopala Krishnan
(2002) 9 SCC 393
- (viii) Jagannath Chaudhary Vs. Ramayan Singh
(2002) 5 SCC 659
- (ix) Bindeshwari Prasad Singh @ B.P. Singh & Ors.
Vs. State of Bihar (Now Jharkhand) & Anr.
(2002) 6 SCC 650
- (x) Manju Ram Kalita v. State of Assam
(2009) 13 SCC 330
- (xi) Amit Kapoor v. Ramesh Chander
(2012) 9 SCC 460
- (xii) Ganesha Vs. Sharanappa & Anr.
(2014) 1 SCC 87
- (xiii) Shlok Bhardwaj v. Runika Bhardwaj & Ors.
(2015) 2 SCC 721
- (xiv) Sanjaysinh R. Chavan Vs. D. G. Phalke
(2015) 3 SCC 123
- (xv) Malkeet Singh Gill v. State of Chhattisgarh
(2022) 8 SCC 204

Present Case

12. Now coming to the case on hand, I find that learned counsel for the petitioner is unable to show any ground for interference by this Court in the impugned judgment. I do not find any illegality, impropriety or perversity of any finding in the impugned judgment.



13. Hence, the present revision petition is dismissed
on merit.

(Jitendra Kumar, J.)

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