IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 747 of 2025

Seema @ Seema Devi, aged about 46 years, W/o Pramod Kumar Singh, R/o Quarter No. 1006/1007, Sector 5/D, Executive Hostel, P.O. & P.S. Sector VI, Bokaro Steel City, District Bokaro, Jharkhand 827006. ..... Petitioner

Versus

1. The State of Jharkhand
2. Deepak Kumar S/o Late Ram Swaroop Prasad, R/o Sector-IIIrd B, Qtr. No. 219, P.O. & P.S.- B.S. City, Bokaro Steel City, District Bokaro Jharkhand;
3. Jaleshwar Sao, S/o Harihar Sao, R/o Ritudih, P.O. & P.S. Marafari, District Bokaro, Jharkhand;
4. Mukesh Kumar, S/o Asarfi Prasad, R/o Sector-8/C, Qtr. No. 2062, P.O. & P.S. Sector-IX, District Bokaro, Jharkhand;
5. Pramod Kumar Singh, S/o Late Damodar Singh, R/o Section 5/D, Executive Hostel, Room No. 1006, P.O. & P.S. Sector VI, District Bokaro, Jharkhand

…….. Opposite Parties

For the Petitioner : Mr. Bhaibhaw Gahlaut , Adv.
For the State : Mr. Rajneesh Vardhan, Addl. PP
For the O.P. nos. 2 to 5 : none

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties. Though notice has validly been served upon the opp. Party nos. 2 to 5 but no one turns up on their behalf in spite of repeated calls.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of the BNSS, 2023, with the prayer to quash and set aside the order dated 23.01.2025 (Annexure 6) passed in Cr. Rev. no. 90 of 2024 wherein, learned Sessions Judge, has allowed the Cr. Rev. behind the back of the petitioner and quashed the order dated 24.01.2024 passed by learned SDM, Chas, Bokaro in connection with Misc. Case no. 12

of 2024 whereby and where under, learned SDM, Chas, Bokaro initiated the proceeding under Section 145 of CrPC.

3. Learned counsel for the petitioner submits that besides the petitioner, Pramod Kr. Singh was the first party of the said proceeding under Section 145 of CrPC and the opp. Parties in the said Misc. Case no. 12 of 2024 are the opp. Party nos. 2 to 5 herein but the opp. Parties suppressing the material fact and without impleading the petitioner, who was also one of the first parties, have filed the Cr. Rev. and learned Sessions Judge, Bokaro ignoring the fact that the petitioner has not been impleaded as party, behind her back, has passed the impugned order in violation of Section 401 of the CrPC. It is next submitted that the impugned order is in the teeth of Section 401 of CrPC hence, it is submitted that the prayer as made in this criminal miscellaneous petition, be allowed.

4. Learned Addl. PP on the other hand, vehemently oppose the prayer of the petitioner and submit that this Criminal Miscellaneous Petition being without any merit, be dismissed.

5. Having heard the submissions made at the Bar and after going through materials available in the record, it is pertinent to mention here that it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **A.N. Santhanam Vs. K. Elangovan**, reported in **(2012) 12 SCC 321,** para -5 of which reads as under:

> *"5. Section 401 of the Code of Criminal Procedure, 1973 which deals with the High Court's power of revision reads as under:*
>
> ***"401. High Court's powers of revision.—****(1) In the case of any proceeding the record of which has been called for by itself or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by Sections 386, 389, 390 and 391 or on a Court of Session by Section 307 and, when the Judges composing the court of revision are equally divided in opinion, the case shall be disposed of in the manner provided by Section 392.*
>
> *(2) No order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by pleader in his own defence.*
>
> *(3) Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.*
>
> *(4) Where under this Code an appeal lies and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed.*

> *(5) Where under this Code an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly."*
> *A plain reading of sub-section (2) of the said provision makes it abundantly clear that the High Court in exercise of its revisional power cannot pass any order which may cause prejudice to the accused or other persons unless he has an opportunity of being heard either personally or by pleader in his own defence." (Emphasis supplied)*

That the High Court in exercise of its revisional power cannot pass any order which may cause prejudice to the accused or other persons unless he has an opportunity of being heard either personally or by pleader, in his own defence and Section 399 of the CrPC, vests the Sessions Judge with the power to exercise all or any powers of which may be exercised by the High Court under section 401 of the Cr.P.C. So obviously, the procedure which is mandatory for the High Court while exercising the power under Section 401 of the Cr.P.C. is also squarely applicable to the Sessions Judge while exercising the powers vested upon it by virtue of Section 399 Cr.P.C.

6. Thus, it is the undisputed fact that the petitioner was one of the first party to the proceeding under Section 145 of the CrPC, initiated by learned Sub Divisional Magistrate and there is no rhyme or reason why the learned Sessions Judge, overlooked the fact that all the parties to the proceeding under Section 145 of the CrPC, are necessary parties to the Cr. Rev. as well. Certainly, though the petitioner was not a party to the Cr. Rev., But she has been affected by the order passed in Cr. Rev. No. 90 of 2024 by learned Sessions Judge, Bokaro.
7. Accordingly, the order dated 23.01.2025 (Annexure 6) passed by learned Sessions Judge, Bokaro in Cr. Rev. no. 90 of 2024 is quashed and set aside.
8. Cr. Rev. no. 90 of 2024 is remitted back to the learned Sessions Judge, Bokaro with the direction to pass a fresh order after impleading the petitioner, as a party and after giving opportunity of being heard to the petitioner.

9. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 5th January, 2026
Smita /AFR

Uploaded on 15.01.2026