

**In the Court of Principal Sessions Judge, Begusarai
(Criminal Revision Jurisdiction)
Criminal Revision No. 89/2026**

[Against the Impugned Order dated 01.04.2024, passed in Khodawandpur P.S. case no. 115/2016, G.R. No. 261/2016, by the court of Ld. SDJM, Manjhaul]

In the matter of :

1. Lal Bahadur Mahto, S/o Late Ram Swarup Mahto,
 2. Indrakant Mahto
 3. Ramakant Mahto @ Ramakant Kumar,
 4. Chandra Kant Kumar @ Chandrakant Mahto, All sons of Lal Bahadur Mahto,
 5. Ramashish Mahto, S/o Siyaram Mahto, All are R/o vill. Batha, P.S. Rosera, Distt. Samastipur
-Petitioners/Revisionists.**

Vrs.

The State of Bihar

.....O.P.

Present : Sri Rishi Kant,

Principal Sessions Judge, Begusarai

Ld. Counsel for the Revisionists : Sri Ajay Kumar Mishra, Ld. Advocate.

Ld. Counsel for the O.P./State : Sri Santosh Kumar, Ld. P.P. I/c.

Date of Order: 03.06.2026

O R D E R

1. The matter is taken up today for consideration on the point of admission.
2. The present revision petition has been preferred under Sections 438 and 440 of BNSS, challenging the order dated 01.04.2024 passed by the learned S.D.J.M., Manjhaul, in Khodawandpur P.S. Case No. 115 of 2016, corresponding to G.R. No. 261 of 2016, whereby the revisionists/accused persons were declared absconders and permanent warrant of arrest was directed to be issued against them.
3. I have heard the learned counsel appearing on behalf of the revisionists and the learned Public Prosecutor In-charge appearing for the State/Opposite Party. I have also carefully perused the impugned order and the materials available on the record.
4. Learned counsel for the revisionists submitted that the impugned order is illegal, arbitrary and contrary to the settled principles of criminal jurisprudence. It was contended that the learned trial court failed to apply its judicial mind and proceeded mechanically without verifying whether the processes earlier issued against the revisionists had been duly served or executed. It was further argued that neither the service report of summons nor the execution report of the warrants issued against the revisionists was available on record. Despite the absence of such reports, the learned court below proceeded to issue coercive processes under Sections 82 and 83 Cr.PC. and ultimately declared the revisionists absconders. According to the learned counsel, such procedure is unknown to law and has resulted in serious prejudice to the revisionists. It was also submitted that the revisionists are residents of District Samastipur and the learned court below failed to ensure

proper service of processes before resorting to coercive measures. On these grounds, it was prayed that the impugned order be set aside.

5. Learned Public Prosecutor In-charge, appearing on behalf of the State, opposed the revision petition and submitted that the learned Magistrate acted in accordance with law and that no interference is warranted in revisional jurisdiction.
6. Before advertng to the merits of the case, the question of limitation was considered. Upon perusal of the record, it appears that the revision petition has not been filed within the prescribed period. However, having regard to the explanations furnished and in the interest of substantial justice, the delay in filing the revision petition is hereby condoned.
7. On examination of the certified copies of the order-sheets brought on record, it appears that summons was initially issued against the accused persons and thereafter bailable warrants were issued on 05.04.2019. Subsequently, on 19.07.2022, non-bailable warrants were issued. However, the record does not indicate receipt of any service report of the summons or execution report of the warrants so issued. Despite the absence of such reports, the learned trial court proceeded to initiate proceedings under Sections 82 and 83 Cr.PC. Thereafter, without awaiting or obtaining any execution report of the proclamation and attachment proceedings, the learned trial court, by order dated 01.04.2024, declared the revisionists absconders and directed issuance of permanent warrants of arrest against them.
8. It is a settled principle of law that coercive processes contemplated under the Code are required to be issued in a sequential manner and only upon satisfaction regarding the due execution or non-execution of the preceding process. Before issuing a proclamation under Section 82 Cr.PC. or attachment under Section 83 Cr.PC., the court must have before it the relevant execution reports and must record its satisfaction that the accused has absconded or is concealing himself to avoid execution of the warrant. Likewise, a declaration treating an accused as an absconder cannot be made in the absence of compliance with the mandatory procedural requirements prescribed by law.
9. In the present case, the record does not disclose the existence of any service report of summons, execution report of warrants, or compliance report relating to the proceedings under Sections 82 and 83 Cr.PC. The learned trial court proceeded from one coercive stage to another without recording the requisite satisfaction based upon the relevant reports. Such a course is clearly

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contrary to the procedure established by law and has resulted in material irregularity in the exercise of jurisdiction.

10. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 01.04.2024 passed by the learned S.D.J.M., Manjhaul suffers from patent illegality and material irregularity and, therefore, cannot be sustained in law.
11. Accordingly, the revision petition is allowed. The impugned order dated 01.04.2024 passed in Khodawandpur P.S. Case No. 115 of 2016, corresponding to G.R. No. 261 of 2016, by the learned S.D.J.M., Manjhaul, is hereby set aside. The matter is remitted to the learned trial court for proceeding afresh in accordance with law after ensuring due compliance with the prescribed procedure.

Let the Lower Court Records be sent back forthwith along with a copy of this order.

The revision record be consigned to the record room after due compliance of law.

Announced in open Court on this 03rd of June, 2026.

Dictated, Corrected and Signed by me.

Sd/-
(Rishi Kant)
Principal Sessions Judge,
Begusarai
03-06-2026

Date of Judgment/Order	03.06.2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	04.06.2026
Uploaded by	Rahul Verma