

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
MUZAFFARPUR
Civil Court, Muzaffarpur. Bihar.**



Criminal Revision No.136 of 2026

**1. Dharmveer Shukla, son of late Ram Sevak Shukla, aged about 51 years,
R/o village-Etbarpur, P.S. Lalganj
District-Vaishali.**

..... Petitioner/Revisionist

Vs

1. The State of Bihar

.....O.P.

For the Petitioner/Revisionist : Sri Amrendra Kumar , Advocate.

For the O.P. : Sri Ajay Kumar, P.P.

O R D E R

Date of order of proceeding	Order with the signature of the Court	Office action taken with date
<u>21.05.2026</u>	1. The record is placed for order. The revisionist has preferred this revision being aggrieved and dissatisfied with the order dated 03.09.2024, passed in G.R.Case No.2702/2006, arising out of Kazi Mohammadpur P.S.Case No.174/2006, by I/c A.C.J.M.-Ist. Muzaffarpur (East), whereby and where under, the learned court below declared the petitioner/revisionist absconder and permanent warrant of arrest was ordered to be issued against him. The revisionist has sought to invoke section 438 and 440 of the BNSS, thus, seeking to set aside the impugned order dated 03.09.2024, passed by I/c ACJM-Ist, Muzaffarpur (East). 2. The factual matrix leading to the filing of present revision petition is that on the basis of written complaint of	

Contd.
21.05.2026

one Binod Kumar, Kazi Mohammadpur P.S. Case No.174/2006 was registered u/s 341, 323, 379, 304, 34 of the I.P.C. against Dharmveer Shukla, who is petitioner in this revision petition. It is alleged that on 10.10.2006, informant had gone to the clinic of a doctor, where Dharmveer Shukla alongwith 2-3 unknown assaulted him, causing injury on his palm and they snatched his gold chain from his neck. The police after completion of investigation, submitted chargesheet against the petitioner on 10.02.2007 and thereafter, cognizance was taken against him on 28.03.2007 and summon was ordered to be issued and accordingly, summon was issued against him. Thereafter, bailable and non-bailable warrant of arrest were issued against him on 06.05.2007 and 29.07.2011 respectively. The process u/s 82 Cr.P.C. was issued on 20.01.2015 and thereafter, process u/s 83 Cr.P.C. was also issued against him on 26.02.2018 and ultimately, vide order dated 03.09.2024, he was declared absconder and permanent warrant of arrest was ordered to be issued.

3. Learned counsel for the revisionist has assailed on the ground that the learned trial court has passed the order declaring the petitioner absconder without any service report/execution report and thus, has not followed the instructions of Hon'ble High Court and without receipt of any service report, adopted the entire process in illegal way against the principle of natural justice. The impugned order is illegal, incorrect and improper. It has further been submitted that without service report of summon and execution report of warrant of arrest (bailable), NBW and processes u/s 82-83 Cr.P.C., declaring the petitioner absconder is not justified and is without jurisdiction. As such, the impugned order is fit to be set aside.

4. Learned P.P appearing for the State has submitted that after taking note of materials on record, learned trial court has

<u>Contd.</u> <u>21.05.2026</u>	passed the order, which is just and proper and needs no interference of this court. 5. Perused the record. It is reflected from the record that no execution/service report is on record, to show that the petitioner was evading the process intentionally. Thus, without ensuring that the petitioner was intentionally evading his appearance, processes like and u/s 82/83 of the Cr.P.C. were issued, which appear to be erroneous. Thus, the Id. court prima facie, without having reason to believe that the accused had absconded or was concealing himself so that the warrant could not be executed, issued the proclamation. This court is of the considered opinion that the learned trial court committed irregularity/illegality in passing the impugned order. 6. Accordingly, this criminal revision is allowed and the impugned order dated 03.09.2024, passed by I/c A.C.J.M.-Ist., Muzaffarpur (East) in G.R.Case No.2702/2006, arising out of Kazi Mohammadpur P.S.Case No.174/2006 is hereby set aside. Let a copy of this order be placed in TCR and the same be sent forthwith to the Id. Trial Court for information. sd/- (Shweta Kumari Singh) Principal District and Sessions Judge, Muzaffarpur. 21.05.2026	
--	---	--