

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

Criminal Revision No. 75 of 2026

1. Gauri Shankar Singh, son of Kapildeo Singh, aged about 62 years

R/o village-Gobindpur

P.S. Sunnisaidpur, district-Sitamarhi.

..... **Petitioner/Revisionist**

Vs

1. The State of Bihar

.....**O.P.**

For the Petitioner/Revisionist : Sri Pranab Kumar Sinha, Advocate.
For the O.P. : Sri Ajay Kumar, P.P.

ORDER

Date of order of proceeding	Order with the signature of the Court	Office action taken with date
<u>18.05.2026</u>	1. The record is placed for order. The revisionist has preferred this revision being aggrieved and dissatisfied with the order dated 19.08.1999, passed in GR Case No. 2056/1997 by A.C.J.M.-10th, Muzaffarpur (East), whereby and where under, N.B.W. and processes u/s 82-83 Cr.P.C. was ordered to be issued against the petitioner. The revisionist has sought to invoke section 438 and 440 of the BNSS, thus, seeking to set aside the impugned order dated 19.08.1999, passed by A.C.J.M. 10th, Muzaffarpur (East). 2. The factual matrix leading to the filing of present revision petition is that on the basis of fard beyan of Chaukidar Mohan Paswan, Ahiyapur P.S. Case	

Contd.
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No.190/1997 was registered u/s 279, 337 and 338 of the I.P.C. against the drivers of Bus bearing registration no.BR06P/9481 and BR06P/8440. It is alleged that due to rash and negligent driving of drivers, a collision took place between the two vehicles. After completion of investigation, the police submitted chargesheet u/s 279, 337, 338 of the I.P.C. against Gauri Shankar Singh, driver of Bus bearing registration no.BR06P/8440 and Ram Babu Singh, driver of Bus bearing registration no.BR06P/9481. Thereafter, cognizance was taken against the petitioner and summon was issued against him for appearance. Thereafter, bailable warrant of arrest was issued against him but he remained absent. Thereafter, NBW and processes u/s 82-83 of the Cr.P.C. was ordered to be issued against him vide order dated 19.08.1999.

3. Learned counsel for the revisionist has assailed on the ground that the learned trial court has passed the order of issuance of processes 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) issuance of NBW and processes u/s 82-83 Cr.P.C. against the petitioner 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,

<u>Contd.</u> <u>18.05.2026</u>	learned trial court has 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 ld. 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. Considering the facts and discussions made herein above, this criminal revision is allowed and the impugned order dated 19.08.1999, passed by learned A.C.J.M. 10th, Muzaffarpur (East) in connection with GR Case No. 2056/1997 is hereby set aside. Let a copy of this order be placed in TCR and the same be sent forthwith to the ld. Trial Court for information. sd/- (Shweta Kumari Singh) Principal District and Sessions Judge, Muzaffarpur. 18.05.2026	
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