



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

**Criminal Revision No.135 of 2026
BRMZ010053802026**

1. Md. Mojahid Hussain, S/o Md. Fakhruddin, aged about 29 years
 2. Md. Fakhruddin, S/o Md. Hadish, aged about 69 years
 3. Saida Khatoon, W/o Md. Fakhruddin, aged about 51 years
- All resident of village-Chakwa Jagdishpur, P.S. Sahebganj,
district-Muzaffarpur.

..... Petitioners/Revisionists

Vs

1. The State of Bihar
2. Khushboo Parveen

.....O.Ps.

For the Petitioners/Revisionists : Sri Chandra Bhushan Singh, Advocate.
For the O.P. No.1 : Sri Ajay Kumar, P.P.
For the O.P. No.2 : Priya Ranjan @ Annu, Advocate.

**ORDER
18.07.2026**

Date of order of proceeding	Order with the signature of the Court	Office action taken with date
<u>18.07.2026</u>	1. The record is placed for order. The revisionists have preferred this revision being aggrieved and dissatisfied with the order dated 23.07.2025, passed in Complaint Case No.4475/2022 by Id. S.D.J.M. (East), Muzaffarpur, whereby and where under, process u/s 83 Cr.P.C. was ordered to be issued against the petitioners.	

<u>Contd.</u> <u>18.07.2026</u>	The revisionists have sought to invoke section 438 and 440 of the BNSS, thus, seeking to set aside the impugned order dated 23.07.2025, passed by Id. S.D.J.M. (East), Muzaffarpur. 2. The factual matrix leading to the filing of present revision petition is that Khushboo Parveen (OP No.2), filed Complaint Case No.4475/2022 against Md. Mojahid Hussain, Md. Fakhruddin, Saida Khatoon, Md. Aftab Alam, Tahira Khatoon and Rukhsar Khatoon. It is alleged that marriage of Khushboo Parveen was solemnised with Mojahid Hussain on 27.02.2021 with sufficient gifts of cash and kinds and she went to her matrimonial place, where demand of Rs.20 Lacs was made for purchasing a four wheeler vehicle and due to non-fulfillment of above demand, she was being subjected to torture and cruelty and ultimately, she was ousted from the matrimonial home. Upon filing of complaint petition, the learned trial court after concluding enquiry, found prima facie case against the above named petitioners u/s 323, 498(A) of the IPC and 4 of Dowry (Prohibition) Act. Summon was issued against petitioners on 17.10.2024. Thereafter, bailable and non-bailable warrant of arrest were issued against them on 21.01.2025 and 29.03.2025 respectively. The process u/s 82 Cr.P.C. was issued against them on 05.06.2025. Thereafter, process u/s 83 Cr.P.C. was ordered to be issued against them vide order dated 23.07.2025 and accordingly, the same was issued on 04.08.2025. 3. Learned counsel for the revisionists has assailed the impugned order on the ground that the learned trial court has passed the order of issuance of process u/s 83	
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<u>Contd.</u> <u>18.07.2026</u>	Cr.P.C. 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 & non-bailable) and process u/s 82 Cr.P.C., issuance of process u/s 83 Cr.P.C. against the petitioners 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 passed the order, which is just and proper and needs no interference of this court. 5. Learned Counsel appearing for the O.P. No.2 Khushboo Parveen also filed written reply and submitted that petitioners had every knowledge about proceeding of the case and the revisionists are proclaimed offenders and they have no right to file this revision petition. 6. Perused the record. It is reflected from the record that no execution/service report is on record, to show that the petitioners were evading the process intentionally. Thus, without ensuring that the petitioners were intentionally evading their appearance, process u/s 83 of the Cr.P.C. was issued, which appears to be erroneous. Thus, the ld. court prima facie, without having reason to believe that the accused had absconded or was concealing themselves so that the warrant could not be executed, issued the proclamation. This court is of the considered	
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Contd.
18.07.2026

opinion that the learned trial court committed irregularity/ illegality in passing the impugned order.

7. Accordingly, this criminal revision is allowed and the impugned order dated 23.07.2025, passed by Id. S.D.J.M. (East), Muzaffarpur in connection with Complaint Case No.4475/2022 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.
18.07.2026