

In the Court of Additional Sessions Judge - V, Muzaffarpur
Criminal Revision Petition No. 220/2023
(Arising out of Complaint Case No. 3433/2022)

In the matter of:

M/S Astronet Era through its Prop. and representative Amit Kumar S/o - I.B.P.
Srivastava, aged about 43 yrs, Resident of village - Jail Road Petrol Pump Near Raja
Electronics, P. S. - Mithanpura
District - Muzaffarpur

.....Revisionist

Versus

1. State of Bihar

.....Opposite Party No. 1

Appearance(s):

Counsel for the Revisionist(s)

: Surendra Kumar, Advocate

Counsel for the State

: Lalit Kumar Verma, Addl. PP

Present: Suman Kumar Divakar
Bihar Superior Judicial Service

Order

07.05.2026

1. The Revisionist has preferred the present petition being aggrieved by and dissatisfied with the impugned order dated 24.04.2023 passed by Sandeep Kumar Singh, Learned JMFC, Muzaffarpur (East) in Complaint Case No. 3433/2022. Vide the said impugned order, the learned Court concerned has dismissed the complaint petition under Section 204 (4) of the Criminal Procedure Code, 1973 (hereinafter referred to as 'the Code' for short).
2. Briefly stated, the Complainant had filed the petition as referred above. The Learned Court concerned vide its order dated 31.03.2023 had directed the complainant to file requisites within two weeks so that, summon could be issued to the accused persons. But the complainant failed to comply with the order passed by learned Court concerned which led to dismissal of the complaint vide the impugned order.
3. Learned Counsel for the Revisionist submits that the learned Court concerned ought to have given more opportunity for filing processes fee in the interest of justice.
4. Learned Additional Public Prosecutor submits that there is nothing wrong in the impugned order.

5. Heard the parties. Considered the submissions. Perused the material on record. It would be relevant to place on record the order dated 31.03.2023 passed by the learned court concerned. The same is being reproduced herein below:
'31.03.2023 Complainant is filed attendance. Case called out. Perused the record. The complainant filed a complaint case u/s 420, 406 I.P.C. and 138 N.I. Act against accused persons in the complaint petition. On perusal of the complaint petition, S.A. on oath and enquiry evidence, the court finds that there is sufficient materials available on record to proceed further. Hence, a prima facie case is made out u/s 138 N.I. Act against accused namely Munni Devi. Complainant is directed to file requisites within two weeks. Thereafter, O/C is directed to issue summons against accused persons. To 17.04.2023 for filing requisites'.
6. It is to be further noted that on 17.04.2023, the complainant was absent and further no requisites filed. The case was posted for 24.04.2023 and here also, the complainant was absent and no requisites filed. Thus, it appears that there was clear cut latches on behalf of the complainant/Revisionist. In such circumstances, this Court does not find any illegality in the impugned order.
7. In the result, the present Criminal Revision Petition is **dismissed**.
8. Office clerk is directed to send a copy of this order to the learned court concerned for kind information and needful.

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur

Date of Judgement/Order	07.05.2026
Date of reserving Judgement/Order	07.05.2026
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