



BRPA010105282026

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 390 of 2026

1. M/s Shashi Bhushan Cold Storage through its Director
Shashi Bhushan Singh
2. Shashi Bhushan Singh, S/o Ramjee Singh,
R/o:- Ward No.6, Berui, P.S.- Baniyapur, District- Saran

..... Petitioners

Versus

The State of Bihar.

..... Opposite Party

Counsel for the Petitioners :- Sri Raushan, Advocate.

Counsel for the State :- Sri Rajesh Kumar, P.P.

ORDER

02.07.2026

1. The present Criminal Revision has been preferred by the revisionists-accused persons namely-(1) M/s Shashi Bhushan Cold Storage through its Director Shashi Bhushan Singh, (2) Shashi Bhushan Singh against the impugned order dated 20.02.2026 passed by learned ACJM-II, Patna Sadar in Complaint Case No. 2362(C)/2011, whereby the learned Court has declared to the revisionists-accused as ***absconder***, and ***issued permanent warrant*** against them and ordered to deposit the record in the Record Room.
2. This Court has examined the grounds advanced in the application seeking condonation of delay and finds adequate justification therefor. Considering the paramount interest of justice, the delay in filing this revision is condoned. Accordingly, this petition has been entertained and is adjudicated on merits.
3. The arguments advanced by the learned counsel for the petitioners and the learned Public Prosecutor for the State have been considered. The documents appended to this application, together with the trial court record, have been perused.

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 390 of 2026

CONTENTIONS OF THE PETITIONER

4. Learned counsel for the petitioners contends that the impugned order is vitiated by both factual and legal infirmities, having been passed without adherence to mandatory statutory procedures and without proper application of judicial mind.
5. It is further submitted that the trial court initiated proceedings under Sections 82 and 83 of the Code of Criminal Procedure without ensuring valid service of summons and without proper execution of bailable and non-bailable warrants.
6. The petitioners assert that they had no knowledge of any summons or process issued by the court and express their willingness to appear before the trial court within fifteen days.
7. It is also argued that the issuance of warrants and the initiation of proceedings under Sections 82 and 83 Cr.P.C. are legally unsustainable in the absence of any material indicating deliberate evasion of court proceedings.

CONTENTIONS OF THE STATE

8. The learned Public Prosecutor fairly submits that the trial court initiated proceedings under Sections 82 and 83 Cr.P.C. without ensuring proper service of summons and execution of warrants.
9. However, it is contended that there is a general tendency among accused persons to delay trial proceedings by evading service of process despite being aware of pending cases.
10. It is further submitted that the failure of the petitioners to appear compelled the trial court to adopt coercive measures as a last resort, and the petitioners may now be directed to appear before the trial court within a stipulated period.

FACTUAL MATRIX

11. Upon perusal of the trial court records, it is evident that cognizance was taken for offences under Section 138 of the Negotiable Instruments Act, 1881, and summons were issued to the petitioners. Due to non-service of summons, a bailable warrant was issued, followed by a non-bailable warrant. Thereafter, proceedings under Sections 82 and 83 Cr.P.C. were initiated against the petitioners.

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 390 of 2026

LEGAL INFIRMITIES IN THE IMPUGNED ORDER

12. A careful scrutiny of the record reveals that the proceedings initiated under Section 83 Cr.P.C. for attachment of property were not supported by an affidavit. The Hon'ble Patna High Court in *Krishna Murari Yadav v. State of Bihar & Ors.*, 2005(3) PLJR 746, has held that applications under Sections 73, 82, and 83 Cr.P.C. without an accompanying affidavit are not legally sustainable. On this ground alone, the order under Section 83 Cr.P.C. stands vitiated.
13. Further, Rule 109(B) of the Bihar Police Manual mandates that any application under Section 83 Cr.P.C. must include a specific and detailed list of the properties sought to be attached. In the present case, no such list has been provided, rendering the proceedings procedurally defective and legally untenable.
14. Furthermore, Section 82 Cr.P.C. requires that a proclamation must specify a date for appearance that is not less than 30 days from the date of its publication. Consequently, there must ordinarily be a minimum interval of 30 days between the issuance of proclamation under Section 82 Cr.P.C. and any order of attachment under Section 83 Cr.P.C., unless the court records satisfaction that the accused is likely to dispose of property.
15. In the present case, both processes under Sections 82 and 83 Cr.P.C. were issued on 29.01.2026, in clear violation of the statutory requirement of a 30-day interval. No exceptional circumstances justifying such deviation are evident from the record.

CONCLUSION

16. In light of the foregoing analysis and settled legal principles, this Court finds that the impugned order dated 20.02.2026 suffers from serious legal infirmities and procedural irregularities. Accordingly, the criminal revision is **allowed**, and the impugned order passed by the learned ACJM-II, Patna, initiating proceedings under Section 83 Cr.P.C. for attachment of property, is **set aside**.
17. The petitioners are directed to appear before the learned trial court within fifteen (15) days from the date of receipt of a copy of this order. Upon such

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 390 of 2026

appearance, it shall be deemed that they have complied with the process issued by the trial court, and the trial court shall proceed in accordance with law without resorting to coercive measures under Sections 82 and 83 Cr.P.C.

(Dictated)
Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	02.07.2026
Date of Reserving Order	24.06.2026
Uploading Date	02.07.2026
Uploaded by	Vinod/-