

In the Court of Additional Sessions Judge-I, Danapur

Criminal Revision No. 899/2025

Present-Shri Bhupendra Singh
Additional Sessions Judge-I,
Danapur.

Smt. Sharda Devi

... Revisionist

Vs.

The State of Bihar & Anr.

... Opp. Parties

Learned counsel for the revisionist:- *Shri Gopal Sharan,*
Advocate

Learned Counsel for the State of Bihar:-

Shri Ramkeshwar Prasad Singh (A.P.P)

Learned Counsel for the complainant:-

Shri Nitish Kumar, Advocate

Date of Judgment- 13-03-2026

Judgment

1. The instant revision has been preferred, being aggrieved by the order dated 29-11-2023 passed by Sri P.K. Chaudhary, learned J.M.-Ist Class, Danapur (hereinafter referred to as 'JMFC') in connection with Complaint Case No. 649(C) of 2020, whereby the learned JMFC directed for issuance of process under Section 82 Cr.P.C. against the petitioner.

2. The complainant Pratima Pandey filed a complaint case against the petitioner and another for dishonour of the cheques issued to her on 05-05-2020 and 25-06-2020, but the same were dishonoured when presenting in the concerned branch of the bank and after inquiry, the learned JMFC, Danapur took cognizance against the petitioner vide order dated 15-12-2022 under Section 138 N.I. Act, 1881 and the process was issued for her appearance in the case.

3. It is submitted on behalf of the petitioner that no notice or summon was served against him and no execution report of the Warrants issued against her, is available in the record and the learned JMFC has committed error in issuing the process under Section 82 Cr.P.C. without any service/execution report of the summons/warrant issued against her. It is further submitted that no reason has been given in the impugned order, why the learned JMFC was satisfied that issuance of the process under Section 82 Cr.P.C. is required against the petitioner and as such the impugned order is liable to be set aside.

4. Per-contra, the learned Addl. P.P. opposed the prayer and submitted that the impugned order does not suffer with any error or irregularity and as such the instant revision petition is liable to be dismissed.

5. Perused the record. On perusal of the record, it transpires that the impugned order does not specify any reason why the learned JMFC passed the impugned order directing the issuance of process under Section 82 Cr.P.C. and thus, apparently, the impugned order is a non speaking order. Apart from that it further transpires that no service/execution report of either summons or warrant issued against the petitioner is available in the record to show that proper service of the same was made upon the accused and the accused was fully aware of the proceedings in connection with Complaint Case No. 649(C) of 2020. Accordingly, the revision petition is allowed and the impugned order is hereby set aside. However, it is clarified that the learned JMFC may pass fresh order directing the

issuance of any process against the petitioner to secure her appearance in the case, in accordance with law, if the occasion arises.

6. Pending application(s) if any, shall stand disposed of.

7. Let a copy of this order along with the Trial Court Record be sent to the learned Court concerned for information and needful.

Sd./-

(Bhupendra Singh)

Additional Sessions Judge-I

Danapur

Dictated and corrected by me;

Sd./-

(Bhupendra Singh)

Additional Sessions Judge-I

Danapur