

IN THE COURT OF SESSIONS JUDGE, VAISHALI, BIHAR

Vaishali, Bihar 844101.

Distt. - Vaishali, BIHAR.

Criminal Revision No. 111 of 2026 (Arising out of Complaint Case No. 1775 (C) of 1999 / T.R. No. 1711 of 2025)

(Arising out of Complaint Case No. 1775 (C) of 1999 / T.R. No. 1711 of 2025)

1. Manju Devi, W/o Late Shyambabu Mahto,
2. Puniya Devi @ Punam Devi, D/o Late Lalbabu,
3. Bechani Devi W/o Late Lalbabu Mahto,
4. Lachchan Mahto @ Ram Lachan Mahto, Son-in-law of Late Ramdeo Mahto

All R/o Village - Jadhua, Police Station- Town Hajipur, District - Vaishali.

..... The Revisionists

VS

1. The State of Bihar
2. Anita Devi W/o Kuldeep Mahto, resident of village - Jadhua, P.S. - Town Hajipur, District - Vaishali.

..... The Opposite Parties

Counsel for the Revisionists: Learned Adv. Sri Ajeet Kumar

Counsel for the Opposite Party No.1: Learned P.P. Sri Shyam Babu Rai

Dated: 18th July, 2026

Present: Harshit Singh, Sessions Judge

ORDER

1. This criminal revision has been preferred by the revisionists challenging the coercive actions taken by the learned trial court, specifically impugning the order dated 05.01.2026 passed by Sri Piyush Prasann, learned Judicial Magistrate - 1st Class, Vaishali at Hajipur in Complaint Case No. 1775 (C) of 1999 (T.R. No. 1711 of 2025), whereby and whereunder the learned Court has declared the revisionists/accused as absconders and issued a permanent warrant against them.

2. Heard the learned Counsel for the Revisionists and the learned Public Prosecutor for the State. I have also perused the Trial Court Record (LCR) and the impugned order.

3. The learned Counsel for the revisionists has aggressively argued that the attachment processes issued under Section 83 Cr.P.C. are legally unsustainable. It is contended that the trial court record lacks valid, conclusive execution and service reports for the preceding summons, bailable warrants, and non-bailable warrants. The revisionists submit that issuing a process of property attachment without the clear return of a Section 82 Cr.P.C. proclamation represents a fundamental departure from the statutory framework.

4. Conversely, the learned Public Prosecutor has vehemently opposed the revision petition, directing this Court's attention to the persistent and egregious conduct of the revisionists. It is submitted that

18.7.26

this case stems from an incident that occurred in 1999, and the revisionists have spent over three decades actively evading the judicial system, rendering coercive steps absolutely necessary.

5. A perusal of the Trial Court Record reveals an extraordinary timeline of deliberate non-cooperation and absolute flight from justice by the revisionists:

a. The initial complaint was registered in the year 1999 for grave offenses under Sections 147, 323, 341, 504, 354 & 379 of the Indian Penal Code (I.P.C.), involving an unlawful assembly and committing *mar-pit*.

b. Due to the continuous non-appearance of the accused persons, the learned trial court was forced to issue non-bailable warrants along with processes under Sections 82 and 83 of the Cr.P.C., and was also forced to declare the revisionists/accused as absconders. Accordingly, the learned trial court issued permanent warrants against them vide its order dated 05.01.2026.

6. Despite the issuance of process u/s 82 Cr.P.C. on 06.05.2011 and 09.11.2016, and process u/s 83 Cr.P.C. issued on 09.02.2018 in pursuance of the order dated 01.07.2017, the revisionists chose to defy the law. Consequently, after exhausting reminders and further intermediate steps, the learned trial court was compelled to reissue the attachment process under Sections 82 & 83 Cr.P.C. vide order dated 07.10.2025 (issued on 10.10.2025) to break the ongoing deadlock.

7. While the procedural layout under Sections 82 and 83 Cr.P.C. generally requires sequential, step-by-step reporting, statutory provisions cannot be interpreted in a vacuum to aid absolute fugitives. The fact that the process of Section 83 had to be ordered twice—first in 2017, and again on 07.10.2025—is a direct consequence of the revisionists' own unprecedented evasion. The lack of physical service reports on record cannot be twisted to grant relief to individuals who have actively made themselves untraceable.

8. It is a well-settled principle that the core purpose of Section 83 Cr.P.C. is to compel the appearance of an accused person who is wilfully fleeing the law. In essence, the objective of attachment is to exert psychological pressure on the individual so that they appear before the court. The court's primary focus is on the proclaimed person rather than their property.

9. Therefore, the trial court was fully justified in deploying the coercive teeth of Section 83 Cr.P.C. on both instances to enforce accountability. The impugned order dated 05.01.2026, declaring the revisionists/accused as absconders and issuing permanent warrants, suffers from no jurisdictional error, patent illegality, or perversity. However, this Court deems it fit to provide one final opportunity to the revisionists to submit to the rule of law, failing which the statutory consequences must follow automatically.

ORDER

10. Consequently:

a. The instant criminal revision petition stands disposed of with a strict conditional direction.

b. The operation of the impugned orders dated **01.07.2017** and **7.10.2025** passed by the learned Judicial Magistrate – 1st Class, Vaishali at Hajipur, regarding the execution of processes under Section 83 Cr.P.C. and also the order dated **05.01.2026** regarding execution of Permanent warrant shall be kept in abeyance for a strict period of four weeks from today.

c. The petitioners/revisionists are categorically directed to surrender before the learned Trial Court within the said period of four weeks from today and seek regular bail.

L
18.7.26

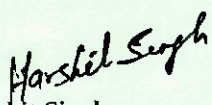
d. It is explicitly ordered that if the petitioners/revisionists surrender and seek regular bail within the stipulated four-week timeframe, the impugned orders of property attachment under Section 83 Cr.P.C. and permanent warrant shall automatically stand recalled.

e. Upon such surrender and filing of a bail application, the learned Trial Court shall consider and pass appropriate orders on the said bail application on its own merits, without being prejudiced by any observations made in this order.

f. In the event that the petitioners/revisionists fail to surrender before the learned Trial Court within the specified period of four weeks, the temporary stay granted herein shall automatically lapse, and the impugned orders under Section 83 Cr.P.C. shall stand completely revived, remaining fully intact, valid, and immediately enforceable against the property of the petitioners.

g. Let a copy of this order along with the Trial Court Record (LCR) be transmitted down to the concerned court immediately for prompt compliance and monitoring.

The order is pronounced and delivered in the open Court under my seal and signature on this 18th day of July, 2026.


Harshit Singh
Sessions Judge
Vaishali
Dated: 18.07.2026


Harshit Singh
Sessions Judge
Vaishali
Dated: 18.07.2026

