

**IN THE COURT OF VIBHA DWIVEDI
ADDITIONAL SESSIONS JUDGE III,
Gopalganj**

Cri.Revision No.735 of 2025
Date of Instn: 19-06-2025
Date of Decision: 27-02-2026

1.Ramayan Ram aged 45 years S/o Lt. Hukum Ram & Others

.....Petitioners.

Versus

1. The State of Bihar.

2.Balistar Ram S/O Late Hukum Ram.

.....Respondents.

Criminal Revision under section 397 of Criminal
Procedure Code against order dated 13-05-2025
passed by Sub Divisional Magistrate, Gopalganj in M
No. 963/2025 under Section 107 of the Cr.P.C

Present: Sri Anil Kumar Shahi, counsel, for the Petitioners & APP for
the state.

ORDER

1. The instant revision has been filed against order dated 13-05-2025 passed by Sub Divisional Magistrate, Gopalganj in M No. 963/2025 under Section 107 of the Cr.P.C
2. Brief facts for the disposal of instant revision petition are that on perusal of the report of SHO Manjhagadh Police Station, Learned SDM, after satisfying that there is an apprehension of

breach of peace ordered to issue so cause notice to the parties to appear before him and execute bond for one year.

3. In Bindbasni vs. State of U.P. , 1976 Cr.L.J 1660 (Allahabad) (D.B) the Hon'ble High Court held that:-

An order passed by executive Magistrate u/s107 CrPC is an interlocutory order in view of the bar u/s 397 (2) of the Criminal Procedure Code no revision lies against such interlocutory order.

4. Whether the impugned order in the present case is interlocutory order and hit by section 397 (2) of the Criminal Procedure Code. The sole test is whether setting aside the impugned order would terminate the proceeding or not which is pending in the court.
5. Applying the aforesaid tests to the facts of this case there is no escape from the conclusion that the impugned order dated 13-05-2025 is an interlocutory order. The order calling upon the parties to execute bonds did not put an end to the main proceeding under section 107 Cr.P.C.
6. For the reasons recorded above, this revision petition is dismissed being not maintainable. Lower court record along with copy of this order be sent back and file of the revision petition be consigned to the record room.

**Pronounced:
27-02-2026**

**Additional Sessions Judge III,
Gopalganj**

