



CNR No.-RPA010178602025

IN THE COURT OF SESSIONS JUDGE, PATNA

Criminal Revision No. 733 of 2025

1. Satendra Kumar Sharma, S/o Late Sant Prasad Sharma
2. Chandan Kumar, S/o Satendra Kumar Sharma,
3. Rahul Kumar, S/o Satendra Kumar Sharma

All R/o :- Dharampur, P.O.- Muhammadpur,
P.S.- Phulwarisharif, District- Patna

..... Petitioners

Versus

1. The State of Bihar
2. The Sub-Divisional Magistrate, Patna Sadar, Patna
3. Akhilesh Sharma, S/o Late Ramji Sharma,
R/o:- Dharampur, P.O.- Muhammadpur, P.S.- Phulwarisharif,
District- Patna

..... Opposite Parties

Counsel for the Petitioner	:- Sri Jai Kumar, Advocate.
Counsel for the State	:- Sri Rajesh Kumar, P.P.
Counsel for O.P. 3	:- Sri Jitendra Kumar Bharti, Advocate

ORDER

04.05.2026

1. The present criminal revision application has been filed on behalf of the petitioners, Satendra Kumar and his two sons, Chandan Kumar and Rahul Kumar, assailing order dated 20.09.2025 passed by the learned Sub-Divisional Magistrate, Patna Sadar, in Miscellaneous Case No. 1104(M)/2025, whereby a show cause notice has been issued to the petitioners under Section 126 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), corresponding to Section 107 of the Code of Criminal Procedure (Cr.P.C.), directing them to appear before the said authority on 18.10.2025 to explain why they should not be required to execute a bond of Rs. 5,00,000 (Five) lakh each, along with two sureties of the same amount, for maintaining public peace and tranquillity.
2. Heard leaned counsel for the petitioners, learned counsel for the O.P. 3 and learned counsel for the State. Also, perused the record.

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SUBMISSIONS ON BEHALF OF THE PETITIONERS

3. The learned counsel for the petitioners contends that the impugned order is legally unsustainable, as it amounts to a clear violation of Section 111 Cr.P.C., corresponding to Section 130 BNSS. It is submitted that the notice in question has been issued under Section 107 Cr.P.C., corresponding to Section 126 of BNSS. A careful reading of Section 111 Cr.P.C. makes it evident that any notice issued under Section 107 must adhere to the procedural mandate prescribed therein, specifically the requirement to disclose the substance of the information forming the basis of the proceedings. This procedural safeguard is essential, as it enables the person show caused to understand the allegations and respond appropriately. However, a bare perusal of the impugned show cause notice issued under Section 107 Cr.P.C./Section 126 BNSS, 2023 reveals that it fails to meet this requirement. The notice merely alludes to a land dispute without providing any substantive details regarding the nature or specifics of the property in question.
4. Learned counsel for the petitioners further submits that the learned SDM, Patna Sadar, failed to consider that the police in collusion with O.P. 3 has misused his power and gave misleading information in order to invoke the jurisdiction of the learned Magistrate under Section 126 BNSS based on mala fide and scurrilous facts and at the same time ignored taking legal actions against O.P. 3 and his associates, inspite of the written information to the same police by the brother of petitioner no. 1 on 26.08.2025. Further submitted that the learned SDM, Patna Sadar, failed to consider that petitioner no. 3 does not reside at his village. Therefore, ex-facie the alleged report of the police is false. No proceeding under Section 126 BNSS could be initiated on such mala fide and collusive police report, which has been prepared at the instance of O.P 3, without lodging any FIR on the written information of the brother of petitioner no. 1 namely Kaushal Kishore Sharma.
5. Further submitted that the learned SDM, Patna Sadar failed to consider that the police inspite of the written report dated 26.08.2025 of Kaushal Kishore Sharma, in respect of criminal acts of O.P. 3 and his associates of attacking the

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house of the petitioners, no legal actions were taken against them but surprisingly a proceeding under Section 126 was initiated and impugned order was passed against the petitioners (not against the Kaushal Kishore Shamra) which makes the whole proceedings unfair, unjust ,illegal and wrong.

SUBMISSIONS ON BEHALF OF O.P. 3

6. Learned counsel for the O.P. 3 submits that he is a co-sharer of the petitioners and there exist land dispute between them. It is further submitted that the order impugned is interlocutory in nature and therefore criminal revision is not maintainable and fit to be dismissed at the threshold itself. It is further submitted that the contention made on behalf of petitioners that the substance of information forming the basis of proceeding under 126 BNSS is not in conformity with the statutory requirements of Section 130 BNSS (Sec 111 CrPC) is absolutely incorrect because the impugned order has been served in the prescribed Form No XIII which is in pursuance of Section 125/126 of BNSS.

SUBMISSIONS ON BEHALF OF THE STATE

7. The learned counsel for the State has opposed the argument of the learned counsel for the petitioners and, prayed to dismiss this criminal revision application as being not maintainable, since the impugned order is interlocutory in nature.

ANALYSIS

8. The preliminary question for consideration is whether the order dated 20.09.2025 is a final or interlocutory order. The nature of the order has to be determined not by the label attached to it, but by its legal effect. If the order does not decide the rights of the parties and merely initiates proceedings or calls upon a person to appear and explain his position, such order ordinarily falls within the category of interlocutory orders.
9. In *Madhu Limaye v. State of Maharashtra*, the Hon'ble Supreme Court held that the bar under Section 397(2) of the Code of Criminal Procedure operates against revisional jurisdiction in respect of interlocutory orders, but the expression "interlocutory order" cannot be interpreted in a rigid or literal manner so as to cover every order that is not final. The Court explained that

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there may be intermediate orders which are neither final nor purely interlocutory, and that the true test is whether the order finally disposes of the rights of the parties or merely keeps the proceedings alive.

10. In ***Salim and Ors. v. State of U.P. and Ors.***, the Hon'ble Allahabad High Court held that a notice issued under Sections 107/111 Cr.P.C. is interlocutory in nature because it merely requires the person concerned to show cause why he should not be bound down. The Court observed that neither the rights of the parties are decided at that stage nor is the matter finally disposed of, and therefore revision against such notice is not maintainable.
11. Likewise, in ***Sanjeev Kapur v. State (NCT of Delhi)***, Hon'ble Delhi High Court reiterated that an order which is procedural in nature and does not conclude the rights of the parties cannot be treated as a final order. The principle emerging from the said decision is that orders which only initiate or regulate proceedings, without determining substantive rights, are ordinarily interlocutory.
12. Applying the above principles to the present case, the impugned order dated 20.09.2025 merely directs the petitioners to appear and show cause why they should not be required to furnish bonds for keeping peace. The order does not adjudicate upon their liability, does not record any final finding against them, and does not determine the rights of either side. It only initiates a preventive proceeding under Section 126 BNSS.
13. The petitioners' grievance regarding absence of sufficient particulars or alleged non-disclosure of the substance of information may be available to be raised before the learned Magistrate in the pending proceeding. However, such grievance does not convert the impugned notice into a final order. A show-cause notice of this nature remains a step in aid of further proceedings and is not, by itself, decisive of the controversy.
14. In view of the law laid down in ***Madhu Limaye (supra)*** and followed in ***Salim and Ors. (supra)***, as well as ***Sanjeev Kapur (supra)***, the impugned order is clearly of an interlocutory character. It neither terminates the proceedings nor concludes any right of the parties. Consequently, the revision is barred and not

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maintainable at this stage.

CONCLUSION

15. For the reasons aforesaid, the impugned order dated 20.09.2025 is held to be an interlocutory order. The present criminal revision is, therefore, **dismissed as not maintainable** in view of the bar against revision from interlocutory orders.

Dictated

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	04.05.2026
Date of Reserving Order	21.04.2026
Uploading Date	05.05.2026
Uploaded by	Vinod/-