

**IN THE COURT OF DISTRICT & ADDL.SESIONS JUDGE-I, ROSERA AT  
SAMASTIPUR**

**Presiding Officer: Dushyant Kumar**

**Criminal Revision No. 357 of 2022.**

**CIS No. 16 of 2022**

**In the matter of**

- 1. Pradeep Kamatee Son of Ram Chandra Kamatee,**
- 2. Janki Devi Wife of Pradeep Kamatee,**  
**R/o Village-Salepur, P.S.- Singhiya.**  
**District- Samastipur,**

**.....Revisionists/Petitioners**

**Versus**

- 1. The State of Bihar.** **.....Opposite 1st Party/ Respondent.**
- 2. Vijay Kamatee Son of Ram Charan Kamatee,**
- 3. Jagtarani Devi Wife of Vijay Kamatee,**  
**R/o Village-Salepur, P.S.- Singhiya,**  
**District- Samastipur,**

Appeared:- For the Revisionist /petitioner:- None  
For the State:- Sri Shiv Shankar Yadav, Addl.. P.P.

**ORDER**  
**24.06.2026**

- 1.** In the present case, the revisionists have remained absent since 05.08.2022, and since then neither the revisionists nor any person on their behalf has appeared in these proceedings.
- 2.** The present Criminal Revision Petition has been filed by the above-named persons (hereinafter referred to as the “revisionists”) challenging the order dated 21.05.2022 passed by the Ld. Sub-Divisional Magistrate, Rosera, in M.R. No. 151 of 2022 under Section 107 of the Code of Criminal Procedure, 1973 (Cr.P.C.), whereby notice was issued to the revisionists to show cause as to why they should not be directed to execute bonds for maintaining peace and preventing breach of peace (hereinafter referred to as the “impugned order”).
- 3.** Briefly stated, the facts leading to the filing of the present revision petition are that one Vijay Kamate submitted an application before the Station House Officer (SHO), Rosera Police Station, alleging that owing to a land dispute, Pradeep Kamatee and Janki Devi used to quarrel with the members of the second party. It was further alleged that they were bent upon picking quarrels whenever any protest was made and that, on account thereof, there was a likelihood of breach of peace. Accordingly, it was prayed that appropriate preventive action be taken.
- 4.** On the basis of the aforesaid application, Non-FIR No. 16 of 2022 was registered under Section 107 of the Cr.P.C. Thereafter, the SHO, Rosera Police Station, submitted a report before the learned Sub-Divisional Magistrate, Rosera, stating that tension prevailed between both parties on account of the land dispute and recommending initiation of proceedings under Section 107 of the Cr.P.C. against both sides.

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- 5.** On the basis of the said report, M.R. No. 151 of 2022 was instituted, and the Ld. Sub-Divisional Magistrate, Rosera, passed the impugned order directing issuance of notice to the revisionists to show cause as to why they should not be ordered to execute bonds under Section 107 of the Cr.P.C. for maintaining peace and preventing breach of peace.
- 6.** Aggrieved by the said order, the revisionists preferred the present revision petition, inter alia, on the grounds that the impugned order is contrary to law and facts; that it is based on surmises and conjectures and is unsupported by the materials available on record; that the proceedings were initiated on vague and omnibus allegations; that the provisions of Section 111 of the Cr.P.C. were not complied with; that the impugned order was passed mechanically on a printed/formatted order sheet without application of judicial mind; that there was no apprehension of breach of peace between the parties; and that both parties belong to the same family.
- 7.** As noted above, neither the revisionists nor any person on their behalf has appeared in these proceedings since the institution of the revision petition.
- 8.** Before proceeding further, it is necessary to examine whether the impugned order is amenable to revisional jurisdiction. As noticed above, the impugned order merely directs issuance of notice to the revisionists requiring them to show cause as to why they should not be ordered to execute bonds under Section 107 of the Cr.P.C. It does not direct the revisionists to execute such bonds. There is a clear distinction between an order directing a person to execute a bond under Section 107 of the Cr.P.C. and an order merely calling upon such person to show cause as to why such a direction should not be issued. While the former may adversely affect the rights or interests of the person concerned, the latter merely affords an opportunity of hearing and does not determine or affect any right, liability, or obligation of the parties. Consequently, the impugned order is, prima facie, an interlocutory order, as it neither determines nor finally adjudicates upon the rights or liabilities of the parties.
- 9.** In this regard, it is apposite to refer to the decision of the Hon'ble High Court of Delhi in *Sanjeev Kapur v. State (NCT of Delhi)*, CrI. M.C. No. 2265 of 2010 & CrI. M.A. No. 8803 of 2010, decided on 26.07.2010, wherein it was held:

“Whenever a show cause notice is issued, a person is given an opportunity to reply to the show cause notice and to put forth his case as to why it was not necessary to call him to the SEM’s Court and why it was not necessary for him to execute a bond for keeping peace. A show cause notice is a purely interlocutory order, and I consider that the learned Additional Sessions Judge rightly dismissed the revision.”
- 10.** Similarly, the Hon'ble Orissa High Court in *Babaji Sahoo & Ors. v. State of Orissa*, 1989 Cri LJ 1872 (Ori), held:

“...the petitioners have only been noticed to appear and file their show cause before the learned Magistrate. The order is therefore a purely interlocutory one and does not seriously prejudice the petitioners. Therefore, no interference with the proceeding at this stage in exercise of the inherent jurisdiction of this Court is called for.”

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- 11.** Likewise, the Hon'ble Allahabad High Court in *Bindbasni & Ors. v. State of U.P.*, 1976 Cri LJ 660 (All) (DB), observed:
- “...an order passed by a Magistrate under Sections 107/111 Cr.P.C. is nothing but an interlocutory order. It merely calls upon the person concerned to show cause why he should not be bound down in the prescribed manner. Neither the rights of the parties are decided at that stage nor is the matter finally disposed of. It is simply procedural in nature...”
- 12.** In view of the aforesaid factual and legal position, this Court is of the considered opinion that the impugned order is purely interlocutory in nature and, therefore, no revision lies against such an order in view of the bar contained in Section 397(2) of the Cr.P.C.
- 13.** Apart from the above, Section 116(6) of the Cr.P.C. mandates that an inquiry initiated under Section 107 of the Cr.P.C. shall be completed within the prescribed period. The impugned order was passed on 21.05.2022. More than three years have elapsed since the passing of the said order. Consequently, the proceedings initiated under Section 107 of the Cr.P.C. have outlived the statutory period, and the relief sought by the revisionists has become infructuous. The present revision petition has, therefore, also become infructuous.
- 14.** Accordingly, the present Criminal Revision Petition stands disposed of. Let the Lower Court Records (L.C.R.), if any, be transmitted back to the Court of the learned Sub-Divisional Magistrate, Rosera, forthwith. Thereafter, the record of the present revision petition be consigned to the Record Room in accordance with law.

(Dushyant Kumar)  
District & Additional Sessions Judge-I  
Rosera, Samastipur.