

**IN THE COURT OF SESSIONS JUDGE,
KAIMUR AT BHABUA
(Criminal Revision No. 111 of 2025)**

In re:

Ramesh Kumar Choubey@ Manoj Choubey Revisionist

V/s

State of Bihar & Anr.

..... Opposite Parties

01.06.2026

ORDER

This revision petition has been filed on behalf of revisionist Ramesh Kumar Choubey U/s. 438 r/w 440 of BNSS against the order dated 09.07.2025 passed by SDM, Mohania in Case No. 25M/2025 to initiate proceeding U/s. 163 BNSS.

2. It is submitted on behalf of revisionist that first party Sanjay Kumar Choubey has filed a petition before SDM, Mohania on dated 09.06.2025 and Ld. SDM called for a report from CO, Mohania and initiated proceeding U/s. 163 BNSS against the revisionist and being aggrieved with the order dated 09.07.2025 of Ld. SDM, this revision has been filed. It is further submitted that the Ld SDM has grossly erred in law to initiate the proceeding U/s. 163 BNSS since T.S. No. 326/2023 has already been pending in the court of Ld Munsif, Mohania between the parties for the land in question. It is further submitted that earlier first party/ OP No. 02 has already filed a petition before SDM, Mohania which was decided vide Case No. 36M/2023. It is further submitted that the revisionist has purchased land vide Khata No. 38, Plot No. 122, Area 1.5 decimal and is in peaceful possession of the land in question. It is further submitted that it is settled principle of law that where title suit is pending between the parties for the land in question, proceeding U/s. 144 CrPC/163 BNSS can not be

initiated. It is, therefore, prayed that the order dated 09.07.2025 of Ld. SDM, Mohania in Case No. 25M/2025 may please be set aside.

3. Ld. PP for the state has opposed the revision petition stating that there is no infirmity or illegality in the order of Ld. SDM, Mohania and further stated that the revision petition is not maintainable as it is filed against show cause issued to the revisionist for filing his reply which is an interlocutory order and prayed for the dismissal of this petition.
4. I have heard the arguments advanced on behalf of revisionist and Ld. PP for the state and perused the material on record. It transpires from perusal of case record that this revision petition is filed by the revisionist against the order dated 09.07.2025 in which the Ld. SDM issued show cause to the revisionist U/s. 163 BNSS for filing his reply to the land in question. The Ld Counsel for the revisionist has submitted that title suit related to disputed land is already pending in the court of Munsif at Mohania and therefore, the proceeding U/s. 163 BNSS can not be initiated against him. However, the Ld. PP for the state has submitted that the show cause is issued to the revisionist on the report of CO, Mohania dated 23.06.2025 in which it is stated that a property dispute is going on between the revisionist and OP No. 02 and for which there is every likelihood of disturbing the peace between the parties. It is further submitted that the Ld. SDM in his show cause asked the revisionist to appear and reply to the show cause which is an interlocutory order which can not be challenged through revision. I find merit in the argument of Ld. PP that the show cause issued to the revisionist is an interlocutory order and revision for interlocutory order is not maintainable. I find no infirmity or illegality in the order of Ld. SDM, Mohania, dated 09.07.2025. Hence, this revision petition is dismissed.

Let a copy of this order alongwith trial court record be sent back to the concern court immediately. O/c is directed to consign this case file to record room. (Dictated)

Sd/-
Sessions Judge