

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Revision No.999 of 2014**

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1. LALAN JEE PANDEY SON OF LATE GANGA DEYAL PANDEY RESIDENT  
OF VILLAGE - GOPALPUR, P.S. SHAHPUR, DISTRICT - BHOJPUR AT ARA ( BIHAR )

.... .... Petitioner/s

Versus

1. THE STATE OF BIHAR  
2. VIJAYA NAND PANDEY @ VIDYA NAND PANDEY SON OF LATE  
SHYAMA CHARAN PANDEY  
3. ANIL KUMAR PANDEY @ BARAK @ VIDYA NAND PANDEY  
4. SHARDA NAND PANDEY SON OF LATE SHYAMA CHARAN PANDEY  
5. MRITUNJAY PANDEY @ MANOJ PANDEY SON OF SHARDA NAND  
PANDEY  
6. SUNIL KUMAR PANDEY @ CHHOTAK SON OF SHARDA NAND PANDEY  
7. BIMLESH KUMAR PANDEY @ PAPPU SON OF SHARDA NAND PANDEY  
SL. NO. 2 & 3 ARE RESIDENT OF VILLAGE - GOPALPUR, P.S. SHAHPUR,  
DISTRICT - BHOJPUR AT ARA ( BIHAR )

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bindhya Keshari Kumar, Sr. Adv  
& Mr. Abhay Kumar Pandey, Adv  
For the Respondent/s : Mr. Chandrasen Prasad Singh, Adv  
For the Opposite Party : Mr. Mritunjay Kumar, Adv

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**  
**ORAL JUDGMENT**

**Date: 20-02-2017**

The short point which has been taken on behalf of the  
petitioner to assail the impugned order dated 18.10.2014 passed by the  
learned 1st Additional Sessions Judge, Bhojpur at Arrah in Criminal  
Revision No. 144 of 2012 is that the court below has entertained the  
revision application against an interim order passed by the Sub  
Divisional Magistrate, Jagdishpur on 03.12.2010 in a proceeding  
under Section 147 of the Code of Criminal Procedure, 1973. The



learned senior counsel appears to be right in his submission. Section 397(2) of the Cr.P.C puts a clear bar on maintaining revision petition in relation to any interlocutory order passed in appeal, inquiry, trial or other proceeding. There is no gainsay that the order which was under challenge before the revisional court below dated 03.12.2010 was an interlocutory order.

The impugned order dated 18.10.2014 is, accordingly, set aside.

As consequence of setting aside of the order dated 18.10.2014, the learned Sub Divisional Magistrate, Jagdishpur is directed to conclude the proceeding under Section 147 of the Cr.P.C., if apprehension of breach of peace subsists, in accordance with law after giving due opportunity of hearing to the parties to lead evidence and make submissions, preferably within a period of six months from the date of presentation of this order.

**(Chakradhari Sharan Singh, J)**

Ranjan/-

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