

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1324 of 2020

With

IA NO: CRAN 1 of 2020

Kripa Sindhu Mitra

Vs.

State of W.B. & anr.

For the Petitioner : Mr. Himangshu Ghosh

For the O.P. No.2 : Ms. Karabi Roy

For the State : Mr. Arijit Ganguly, PP

Heard on: 30th September, 2020

Judgment on : 30th September, 2020

The Court:

This is an application challenging an order dated 11.06.2020 passed by the learned Sub-Divisional Executive Magistrate, Krishnagar, Sadar in S.D.E.M. Case No. 740 (EM)/of 2020 under Section 144 (2) of the Code.

The opposite party no.2 has filed an application under Section 144 of the Code claiming certain reliefs before the

learned Sub-Divisional Executive Magistrate, Krishnagar, Nadia on 11.06.2020. Learned Executive Magistrate was pleased to direct the Officer-in-Charge/Inspector-in-Charge, Bhimpur Police Station to enquire into the matter and submit a compliance report. The concerned learned BL & LRO was also directed to cause an enquiry and submit a report on the next date. The order was to remain in force for two months.

Learned counsel appearing on behalf of the petitioner submits that his client was the opposite party in the said proceeding under Section 144 of the Code. Although two months have already expired from the date of the order, the proceeding is still pending. The petitioner may have a liberty to present its case by filing an application under Section 144 (5) of the Code.

Learned counsel appearing on behalf of the opposite party no.2 submits that in the meantime, the petitioner has filed a civil suit claiming partition of the property in question. Moreover, the order passed on 11.06.2020 was not a restraining order.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner, the State and the opposite party no.2 and have perused the revision petition.

The proceeding is still pending.

It goes without saying that the petitioner always has the liberty to file an application under Sub-Section 5 of Section 144 of the Code and no direction is required from this Court in this regard.

Learned Executive Magistrate is requested to conclude the proceeding as expeditiously as possible.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta,J.)