

**CRR 33 of 2021
With
CRAN 3 of 2021
(Through Video Conference)**

In Re: - An application under Section 401 of the Code of Criminal Procedure, 1973

And

In the matter of: **Mahasin Sekh**

.... Petitioner

Ms. Pampa Dey (Dhabal),
Ms. Sangita Banerjee

...For the Petitioner

Md. Anwar Hossain,
Mr. Pratick Bose

...For the State.

Ms. Jharna Biswas,
Ms. Susmita Biswas Chowdhury

...For the Opposite Party No. 2

The opposite party no. 2 filed an application under Section 144 of the Code of Criminal Procedure, 1973, being M. P. Case no. 2119 of 2020 before the learned Executive Magistrate, 1st Court, Alipore, South 24 Parganas. On that application, the learned Magistrate on October 15, 2020, passed an order, directing the petitioner not to disturb the construction work of the opposite party no. 2 over the schedule property.

Thereafter, the petitioner filed an application under Section 144(5) before the said Executive Magistrate and the learned Magistrate by an order dated November 3, 2020 kept the order dated October 15, 2020, in abeyance, till the disposal of the civil suit

between the parties, pending before the learned Civil Judge (Sr. Div.), 10th Court, Alipore, South 24-Parganas.

The opposite party no. 2 challenged the order dated November 3, 2020 passed by the learned Executive Magistrate, Alipore, before the learned Sessions Judge, Alipore, South 24 Parganas, and the learned Sessions Judge by the order impugned dated December 7, 2020, stayed the order dated November 3, 2020 of the Executive Magistrate until February 2, 2021.

It is submitted by the learned advocate appearing for the petitioner that the said Criminal Motion No. 147 of 2020, is still pending.

I am of the opinion that there is no justification to keep this revisional application pending since the criminal motion no. 147 of 2020 has not yet been finally disposed of on merit.

In that view of the matter, this revisional application being CRR 33 of 2021 is disposed of with a direction upon the learned Sessions Judge, Alipore, South 24 Parganas to dispose of the criminal motion 147 of 2020 within a period of three months from date without granting any unnecessary adjournments to the either of the parties.

With this observation, **CRR 33 of 2021** and **CRAN 3 of 2021** are disposed of.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)