

14.01.2021

Sl. No. 22

Srimanta

D/L

Ct. No. 30

CRR/62/2021

Mir Moufuz Ali

-Vs.-

State of West Bengal & Anr.

(Via Video Conference)

Syed Shamsul Arefin, Adv.,
Ms. Kaniz Kulsum, Adv.

...for the petitioner.

This is an application under Section 482 of the Code of Criminal Procedure for quashing of a proceeding being M.P. Case No. 2420 of 2020 pending before the Executive Magistrate, Bishnupur Sub-Division, South 24 – Parganas. The petitioner is aggrieved against the order dated 29th December, 2020 passed by the Executive Magistrate, Baruipur, South 24-Parganas directing the I.C., Narendrapur Police Station and B.L. & L.R.O., Sonarpur to submit a report with regard to the status of land and status of possession of the scheduled land.

It is submitted by the Learned Advocate for the petitioner that previously an order dated 14th September, 2020 passed by the Executive Magistrate, Bishnupur Sub-Division, South 24-Parganas in M. P. Case No. 1322 of 2020 was challenged in revision which was registered as C.R.R. 1612 of 2020. A Co-ordinate Bench of this Court disposed of the above-mentioned revision directing the Executive Magistrate to conclude the proceeding as expeditiously as possible after obtaining a report of the B.L.& L.R.O. and without granting any unnecessary adjournment to any of the parties, preferably within a month from the date of

communication of the order. According to the Learned Advocate for the petitioner, the said M. P. Case No. 1322 of 2020 remains undisposed of. On the contrary, the Executive Magistrate has entertained M. P. Case No. 2420 of 2020 and passed the order impugned on 29th December, 2020 on the selfsame facts and circumstances between the same parties.

Considering the grievance of the petitioner and having heard the Learned Advocate for the petitioner, I am of the view that the instant revisional application can straightway be disposed of even without service of notice because of the fact that M. P. Case No. 1322 of 2020 filed in the month of September, 2020 does not exist in the eye of law as the force of the order in a proceeding under Section 144(2) of the Criminal Procedure Code remains up to sixty days. After Sixty days M. P. Case and all orders thereon becomes *non-est*.

In view of such circumstances, the instant revision is disposed of directing the Executive Magistrate, Baruipur, South 24 –Parganas to adjudicate and dispose of M. P. Case No. 2420 of 2020 within a fortnight preponing the date of hearing after service of notice upon the parties.

The petitioner is at liberty to act on the server copy of the order and serve the same before the Executive Magistrate for information and compliance.

(Bibek chaudhuri, J.)