

25.01.2021
s.das
Ct. No. 42
25

CRR 112 of 2021
(Via Video Conference)

In the matter of : An application under Section 482 read with
Section 401 of the Code of Criminal Procedure, 1973.

And

In the matter of : Swapan Mandal & Ors. petitioners

Mr. Kapil Chandra Sahoo
..... for the petitioners

Mr. Debabrata Acharyya
Mr. Sital Samanta
..... for the opposite parties no. 2 to 4

Affidavit-of-service filed by the learned Counsel appearing
for the petitioners be kept on record.

The impugned order dated 12th November, 2020 in M.F. No.
391 of 2020 under Section 144(2) of the Code of Criminal
Procedure, passed by the learned Executive Magistrate, Kakdwip,
South 24-Parganas, has been challenged in this revisional
application.

Learned Counsel appearing for the petitioners submits that
without recording the satisfaction, the learned Executive
Magistrate has proceeded to pass order under Section 144(2) of
the Code of Criminal Procedure, which is illegal. Petitioners claim
their ownership over the subject 'land'.

Learned Counsel appearing for the opposite parties no. 2 to 4, at the very threshold, contends that the life of this order has already expired, irrespective of merit of this case. It is further submitted that the opposite parties no. 2 to 4 are also the owners of the subject 'land'.

The point is, thus, clear that there is a contradictory claim over the subject 'land' which may be appropriately decided by the Court of Law having civil jurisdiction. Since the civil dispute pending between the parties is a matter of adjudication of Civil Court and with the expiry of the order under Section 144(2) of the Code of Criminal Procedure, no further order is, thus, called for.

Accordingly, this revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Subhasis Dasgupta, J.)