

**18.06.2021**

Sl. No. 04

Srimanta

Ct. No. – 42

D/L

**CRR/142/2018**

**(Via Video Conference)**

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

**In the matter of : Tripti Ghosal @ Tripty Ghosal & Anr.**

... petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Rana Mukherjee, Ld. A.P.P.

...for the State.

This is an application under Section 401 read with Section 482 of the Code filed by the petitioners challenging legality, propriety and correctness of an order dated 7<sup>th</sup> November, 2017 passed by the Learned Additional Sessions Judge, Kalna, Burdwan in Criminal Revision No. 13 of 2016 thereby affirming the order dated 13<sup>th</sup> October, 2015 passed by the Learned Sub-Divisional Executive Magistrate, Kalna, Burdwan in M.P. Case No. 565 of 2015 under Section 144(2) of the Code.

It is necessary to mention that the order passed under Section 144(2) of the Code remains in force for 60(sixty) days. The original order was passed on 13<sup>th</sup> October, 2015. The petitioner challenged the said order in revision before the Learned Additional Sessions Judge, Kalna in Criminal Revision No. 13 of 2016. The said criminal revision was dismissed on the ground that the impugned order passed by the Learned Executive Magistrate, Kalna has lost its force.

It is needless to say that the revisional jurisdiction of this Court as well as the Court of Sessions is concurrent when the petitioner had chosen the forum of the Learned Additional Sessions Judge and filed a criminal revision, second revision

under the garb of Section 482 of the Code is not maintainable. Moreover, the impugned order has lost its force long ago.

In view of the above discussion, I do not find any merit in the instant criminal revision. It becomes infructuous at this stage and accordingly, the same is **dismissed**, however, without costs.

**(Bibek Chaudhuri, J.)**