

C.R.R. 217 of 2010

In the matter of: Md. Moula Bux

... petitioner

This criminal revision has been listed for contested hearing.

On call, none appears for the petitioner nor for the opposite party nos. 1 to 3. The petitioner has preferred this criminal revision being aggrieved and dissatisfied with the order dated 17.12.2009 passed by learned Sub-Divisional Executive Magistrate, Barasat in M.P. Case No. 1577 of 2009 whereby the Executive Magistrate was pleased to convert the MP Case to a case under Section 145 of the Code of Criminal Procedure but did not pass any interim order of restraintment against the opposite parties.

No affidavit-of-service is available in the record.

This is a long pending case. Perused the application for revision and the impugned order. The preceding order dated 10.12.2009 passed by learned Sub-Divisional Executive Magistrate reveals that there is a scope of breach of peace and directed drawing up of proceedings against the opposite party as per the provisions of Section 144 of the Cr.P.C. The present petitioner thereafter filed an application under Section 145(1) of Cr.P.C. On the basis of the application, the Executive Magistrate on 17.12.2009 ordered that decision on the same will be taken after hearing the opposite parties.

I do not find any illegality in the impugned order as it was at its nascent stage.

In view of the facts and circumstances and also considering the fact that the petitioner did not avail the opportunity of appearing before this Court on consecutive dates after listing of the matter, the present revision petition is dismissed on its merit.

Let a copy of this order be sent to the learned Sub-Divisional Executive Magistrate, Barasat for information in connection with MP Case No. 1577 of 2009.

(Ananda Kumar Mukherjee, J.)