

10.09.2021
tkm/ct 29
sl no. 10

C.R.R. No. 391 of 2010
(Via video conference)

In Re : Sajjad Sheikh & Ors.

.....petitioners

Mr. Rana Mukherjee
Mr. Pravas Bhattacharya

..... for the State

The matter is fixed today for hearing as “Contested Application”.

Mr. Rana Mukherjee and Mr. Pravas Bhattacharya, learned advocates appear for the State. Concerned authority is requested to regularize their appointment in the matter.

None appears for the petitioners and the opposite party no.1.

Affidavit of service is not found in the case record.

Since it is a long-standing matter, criminal revision is taken up for consideration on merit.

The petitioners have prayed for setting aside the impugned order dated 9.12.2009 passed in case no. 73-P/2005 passed by the learned Magistrate, Malda.

Learned advocate for the State submits that the learned Magistrate has invoked his jurisdiction under section 147(3) Cr.P.C and passed an impugned order after taking into consideration two consecutive reports of the BL&LRO dated 5.9.2006 and 27.7.2008, wherefrom the present opposite party no. 1 Najina Bibi was found to have been using the western side of plot no. 297 as pathway to go to her own land being plot no. 298.

Considered the submission made by the learned advocate for the State and the material in the application as well as the impugned order. I find that the learned Magistrate has committed no illegality or impropriety in passing the order by virtue of power vested in him under section 147(3) Cr.P.C.

Accordingly, criminal revision under section 401 read with section 482 CR.P.C is dismissed on merit.

Interim order of stay granted for six weeks since 11.2.2010 already stands vacated.

Let copy of this order be sent to the learned Executive Magistrate, Malda for information for incorporation in the case record No. 73-P/2005.

Urgent photostat certified copy of this order be given to the parties upon compliance of requisite formalities.

(Ananda Kumar Mukherjee, J.)