

CRR 1407 of 2021

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

In the matter of : **Tapan Roy**

..... Petitioner

Ms. Alotriya Mukherjee

.....For the petitioner

In this revisional application, the petitioner has challenged an interim order dated June 25, 2021 passed by the learned Additional Sessions Judge, 1st Court at Arambagh, Hooghly whereby the learned Judge stayed the operation of the order dated June 11, 2021, passed by the learned Executive Magistrate in a proceeding under Section 144 of the Code of Criminal Procedure, 1973, till July 27, 2021.

The learned Judge in the interim order has observed that the dispute regarding the share of fish of the ponds can only be decided by the learned Civil Court and the learned Executive Magistrate was not justified in passing the order directing the police to ensure that “*no such unlawful catching of fish takes place*”.

The revisional application has not yet been finally disposed of. The observation made by the learned Sessions Judge is tentatively in nature, and the order impugned, in my view, on that ground does not call for any interference.

The revisional application being CRR 1407 of 2021 is dismissed. The learned Judge in the Court below shall dispose of the revision case pending before him without being influenced by this order.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)