

CRR 1507 of 2021
(Via video conference)

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

In the matter of : Sri Sourendra Mohan Jana
..... Petitioner

Mr. Sambhu Nath Das
Mr. Ranjit Kumar Ghosh
.....For the Petitioner

The case of the petitioner is that a purely civil dispute was carried in an application under Section 144 (2) of the Code of Criminal Procedure, 1973, before the learned Executive Magistrate, 2nd Court, Alipore, and the learned Magistrate ought not to have entertained the said application.

It appears from the order impugned that the learned Magistrate fixed the date on July 7, 2021, for the police report and passed an order that police should ensure that no breach of peace takes place, with a further direction upon the police to see that no wrongful act was done in the scheduled premises.

I am not inclined to interfere with the said order passed by the learned Magistrate in the Court below. The petitioner can enter appearance before the learned Magistrate and contest the proceeding on merit.

I make it clear that I have not gone into the merits of the case. The petitioner will be at liberty to take all the points available to him before the learned Magistrate in the Court below.

Accordingly, **CRR 1507 of 2021** is disposed of.

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

(Kausik Chanda, J.)