

02.09.2021
Ct No. 35
D/L 121
ab

C.R.R. 1672 of 2021
(Via Video Conference)

Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In re : **Deb Kumar Roy,**

... Petitioner

Mr. Rajdeep Mazumder,
Mr. Moyukh Mukherjee,
Mr. Sarthak Mondal,

... for the petitioner

By filing a revisional application being Criminal Motion No. 85 of 2021 before the learned Sessions Judge at Alipore, the petitioner challenged an order dated July 6, 2021, passed by the learned Executive Magistrate, 1st Court at Alipore in a proceeding under Section 144(2) of the Code of Criminal Procedure, 1973.

The learned Magistrate directed, inter alia, the police to ensure that no wrongful act is done by the petitioner and to keep a close vigil over the scheduled premises.

The revisional Court declined to pass any stay order and fixed the next date of hearing on August 27, 2021. The said order has been challenged in this application.

Mr. Rajdeep Mazumder, learned advocate for the petitioner, submits that the next date has been fixed on September 22, 2021.

The order of the learned Executive Magistrate does not appear to be illegal, as a simple direction was passed to ensure that no wrongful act takes place at the behest of the petitioner in the scheduled premises. The order does not restrain the petitioner to perform any activity he is legally permitted to carry out.

My findings are, however, *prima facie* in nature.

The revisional application is disposed of with a direction upon the learned Sessions Judge, South 24 Parganas at Alipore, to dispose of the Criminal Motion No. 85 of 2021 within a period of three months from date, without being influenced by any observation made by this Court in this application.

The revisional application being **C.R.R. 1672 of 2021** is, thus, disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the petitioner upon compliance with all necessary formalities.

(Kausik Chanda, J.)