

10.09.2021

Court No. 35
Item No. 39
Suvayan

CRR 1765 of 2021

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

In the matter of: Sukumar Naskar & Ors.

Mr. Pradyut Saha

..for the petitioners.

The petitioner filed an application before the learned Sub-Divisional Officer Diamond Harbour, under Section 145 of the Code of Criminal Procedure, 1973.

The learned Magistrate on the said application by an order dated December 4, 2020, passed a direction upon the opposite party no. 2 not to undertake or initiate any action in respect to the suit land which will create hindrances the petitioner. The relevant Officer-in-Charge of the Police Station was directed to file a report and the BL&LRO was also directed to enquire and file a report.

The opposite party no. 2 challenged the said order before the learned Additional Sessions Judge, Diamond Harbour and the learned Sessions Judge, on January 11, 2021, fixed the next date for hearing on April 20, 2021.

Subsequently, on January 14, 2021, the learned Judge stayed the operation of the order dated December 4, 2020, passed by the learned Sub-Divisional Officer, till April 20, 2021. The stay order was extended till July 26, 2021 on April 20, 2021.

The said stay orders were passed *ex parte* without servicing a copy of the application upon the petitioner.

Since the order of the learned Magistrate as well as the orders of the learned Additional Sessions Judge are interim in nature, I dispose of the revisional application with a direction upon the learned Additional Sessions Judge, Diamond Harbour, to dispose of the criminal motion being no. 17 of 2021, within a period of four months from date and without granting any unnecessary adjournment to the parties. It has been submitted by the learned advocate for the petitioner that the petitioner will appear before the learned Sessions Judge in the Court below on the date of hearing.

Since the opposite party no. 2 will not be prejudiced by this order, the revisional application is disposed of without any notice upon him.

The revisional application no. CRR 1765 of 2021 is disposed of.

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

(Kausik Chanda, J.)