

CRR 1834 of 2021

Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure.

In the matter of:- Bikash Tanti

.... Petitioner.

Mr. Abdul Hamid Molla

...for the petitioner

The petitioner obtained an ex-parte order dated March 2, 2021, from the Court of Ld. Sub-Divisional Officer, Diamond Harbour in a proceeding under Section 144(2) of the Code of Criminal Procedure, 1973. The opposite party no. 1 challenged the said order before the learned Additional Sessions Judge, Diamond Harbour by filing Criminal Motion No. 93 of 2021. The learned Additional Sessions Judge stayed the operation of the order passed by the learned Magistrate till June 17, 2021, and also fixed next date of hearing on the said date by an order dated March 6, 2021. The said order is the order impugned in this application.

It appears that no reason has been assigned by the learned Additional Sessions Judge for staying the order of learned Magistrate. The only finding is that it was a fit case to be heard on merit.

I am of the opinion that learned Additional Sessions Judge ought to have assigned specific reasons as to why the order of the learned Magistrate was to be

stayed, but since the said order is interim order in nature and the stay was till June 17, 2021, I am not inclined to interfere with the order impugned at this stage.

The revisional application is disposed of with a direction upon the learned Additional Sessions Judge to decide the Criminal motion No. 93 of 2021 finally within two months from date without granting any unnecessary adjournments to either of the parties.

Since the opposite party no. 2 will not be prejudiced by this order, this revisional application is disposed of without giving any notice to the other side. Learned Additional Sessions Judge will decide the case without being influenced by any observation made in this order.

Accordingly, the revisional application being CRR No. 1834 of 2021 is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities

(Kausik Chanda, J.)