

20.09.2021

Item No.5
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3359 of 2018
(Via Video Conference)

Md. Mafjudin @ Md. Mofiuddin
versus
The State of West Bengal & Ors.

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

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal ... For the Petitioner.

Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

The subject-matter of challenge in this revisional application is the order dated 25.04.2018 passed by learned Executive Magistrate, Sadar, Hooghly in M.P. Case No. 99 of 2014 under Section 133 of the Code of Criminal Procedure.

The order dated 25.04.2018 reflects that the application under Section 133 of the Code of Criminal Procedure was preferred by the petitioner in the year 2014 and the same was pending before the learned Executive Magistrate for four and a half years. However, for non-submission of report, the learned Executive Magistrate dismissed the proceedings.

The subject-matter of the case or grievance of the petitioner was that the petitioner felt that there was imminent danger to his property and his family members because of “Kaal Baisakhi” which might take place in the year 2014 as there was danger caused by bamboo trees which might fall upon his property.

The said application was preferred in the year 2014 and presently we are in the year 2021. Having regard to the time period which has elapsed in the meantime, I am of the opinion that no interference is called for at this belated stage as the dispute is between neighbours and the civil court should be the forum for adjudicating such dispute. I find no illegality in the order passed by the learned Executive Magistrate.

Accordingly, the revisional application being CRR 3359 of 2018 is dismissed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)