

01-06-2021

Item no.1
Subrata

IN THE HIGH COURT AT CALCUTTA

(Circuit Bench at Jalpaiguri)
Criminal Revisional Jurisdiction

CRR No.102 of 2021

Naresh Sidhya

-vs-

Pravash Sidhya & Anr.

Mr. Jaydeep Kanta Bhowmik

...for the petitioner

The petitioner in this revisional application is aggrieved by an order dated March 2, 2021 passed by the learned Executive Magistrate, Jalpaiguri in connection with Ptn/R/No.243/21 dated March 2, 2021 under section 144 CrPC.

I find from the March 2 order that a report from the BL&LRO, Rajganj has been called for by the learned Executive Magistrate regarding possession of the suit land and also a specific report from the officer in charge of NJP police station concerning law and order situation. The learned Executive Magistrate also ordered that the petitioner – the first opposite party herein – should not be disturbed.

Having regard to the provisions of section 144 CrPC and the nature of interference required by an Executive Magistrate, I am of the view that the provisions only empower the Executive Magistrate to interfere when the dispute is in respect of the public or society at large. The present order passed is exclusively relating to a private dispute.

In view of the aforesaid, I am of the considered opinion that the learned Executive Magistrate should not have passed the order ex parte without affording any audience to the present petitioner. The order so passed is in the nature of an order under sub-section (2) of section 144 CrPC the validity of which is not more than 60

days.

In view of the aforesaid, I direct the learned Executive Magistrate, Jalpaiguri to dispose of the proceedings on the next date fixed; and in the meantime the officer in charge of NJP police station is directed to see that the petitioner herein is also not caused any inconvenience. As the statutory period provided under the Code has expired on May 2, 2021, I also direct the learned Executive Magistrate to take necessary steps so that the proceedings under section 144 CrPC, which are temporary in nature, should be disposed of by June 30, 2021.

With the above observations, CRR No.102 of 2021 is disposed of.

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

[Tirthankar Ghosh, J]