

07.06.2022

Item No.9
Ct.No.34
dc.

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

**C.R.R. 244 of 2022
with
CRAN 2 of 2022**

**Samrita Chowdhury & Anr.
versus
The State of West Bengal & Anr.**

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

Mr. Arnab Chatterjee,
Ms. Piu Roy ... For the Petitioners.

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

Affidavit-of-service filed in Court today be kept on record.

The subject matter of this revisional application relates to an order dated 06.01.2022 passed by learned Executive Magistrate, Barrackpore Sub-Division in Case No. MP-3483 of 2021.

I find that the proceedings under Section 144 of the Code of Criminal Procedure were initiated on 18.01.2021. The same continued till 06.01.2022 and the learned Executive Magistrate was pleased to pass the following directions :

“1) The I/C / O/C, Dum Dum P.S. should at once take an arrangement to reinstate and to accommodate the petitioners (F.P.) immediately.

2) The O.P. members are hereby restrained from doing all kinds of illegal activities and unlawful/wrongful/immoral

acts which may hamper L/O, peace and tranquility over the suit mentioned property.”

Having regard to the nature of the order so passed by way of the order dated 06.01.2022, I am of the opinion that the same is outside the scope and ambit of the provisions under Section 144 of the Code of Criminal Procedure and as such, interference is required by this Court. Accordingly, the part of the order referred to above is hereby set aside. However, this will not prevent the police authorities from continuing with the proceedings under Section 107 of the Code of Criminal Procedure so initiated as referred to in the order dated 06.01.2022. Accordingly, Case No. MP-3483 of 2021 is quashed.

The revisional application being CRR 244 of 2022 is allowed.

The application being CRAN 2 of 2022 and all other 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)