

D/L22
30.11.2022
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C.R.R.378 of 2021

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

Sukumar Sau
Versus
Brajogopal Hazra and another

Mr. Toslim Ali,
Ms. Saba Parween.
...for the petitioner.

Mr. P.K. Datta,
Md. Kutubuddin,
Mr. Santanu Deb Roy.
...for the State.

The subject matter of challenge relates to an order dated
01.12.2020 passed by the learned Sub-Divisional Magistrate,
Uluberia in Miscellaneous Case No.492 of 2019 under Section 147
of the Code of Criminal Procedure.

The grievance of the petitioner is that, without deciding
on the issue, the learned Executive Magistrate by its order dated 1st
December, 2020 dropped the proceedings as the statutory period
was over.

In view of the contentions advanced by the petitioner, I
direct the petitioner to approach the civil court.

The Officer-in-Charge/Inspector-in-Charge, Amta Police
Station would see that no breach of peace is caused over the issue
of the property in respect of any obstruction of free egress and
ingress till 31st December, 2022. Within the said period, the
petitioner would be at liberty to approach the civil court and obtain

an appropriate order. No interference is called for in respect of a proceeding of the year 2019 wherein order has been passed by the learned Executive Magistrate. The same would be deemed to be infructuous.

With the aforesaid observations, CRR 378 of 2021 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)