

D/L7
16.12.2022
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C.R.R.493 of 2021

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

Sukumar Mondal
Versus
The State of West Bengal and another

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

The subject matter of challenge relates to an order dated 4th December, 2020 wherein the learned Executive Magistrate was pleased to direct both the parties to maintain status quo in respect of an application filed under Section 145 of the Code of Criminal Procedure.

Having considered the issues so raised before the learned Executive Magistrate, I am of the view that proper forum to ventilate such grievance would be before the civil court and any order passed by the learned Executive Magistrate is restricted only to upkeep of the peace and tranquility in the locale for a limited period of time. As the order was passed on 4th December, 2020 and more than two years have passed, I am of the view that M.F. Case No.1560 of 2020 before the learned Sub-Divisional Magistrate, Diamond Harbour has become infructuous. As such, the said order is not tenable in the eye of law and is hereby quashed.

Consequently, CRR 493 of 2021 has become infructuous. As such, the same is dismissed as infructuous.

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.)