

10.06.2022
Item no. 42
Ct. No. 16
PG

C.R.R. 453 of 2015

**In The Matter of : An Application under Section 401 and
Section 482 of the Code of Criminal Procedure.**

And

**In The Matter of : Nur Mahammad Fakir @
Nur Ahammad Fakir & Ors.
.....Petitioners**

None appears either on behalf of the petitioners or the
State.

Upon perusing the record, I find that the petitioners
have challenged in the instant revision case, an order dated 21st
January, 2015 passed by the Executive Magistrate, Diamond
Harbour in M.F. Case No. 91 of 2015 under section 144 of the
Code of Criminal Procedure, 1973.

The statute provides for a temporary remedy under the
said provision to meet an emergency and that an order of the
Executive Magistrate under section 144 of the Code of Criminal
Procedure shall remain existent and alive for a period of sixty days
from the date of passing the prohibitory order by the magistrate,
after which the same shall have no effect and automatically
ceased to have any effect.

Hon'ble Apex Court, in its judgment reported in AIR
1984 SC 51 (Acharya Jagadiswaranand vs Commissioner of
Police), has been pleased to hold that the nature of order under

section 144 CrPC is to meet an emergency, is not intended to be permanent or semi-permanent in character.

Hence, the impugned order has already lost its force.

Considering all as discussed above, I am of the opinion that the present revision case filed by the petitioners under section 401 and section 482 of the Code of Criminal Procedure, 1973 challenging the impugned order dated 21st January, 2015 passed by the Executive Magistrate, Diamond Harbour in M.F. Case No. 91 of 2015 under section 144 of the Code of Criminal Procedure, 1973 has become infructuous and may not sustain any further.

On the findings as above, I am inclined to dispose of the present revision case being C.R.R. 453 of 2015 as infructuous.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously to the parties after complying with all necessary legal formalities.

(Rai Chattopadhyay, J.)