

30.11.2022

Item No.10
Ct.No.34
dc.

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

**C.R.R. 2629 of 2021
with
CRAN 6 of 2022**

**Tonushree Bhattacharya
versus
Chandrima Ghosh & Ors.**

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

Mr. Lakshminath Bhattacharya ... For the Petitioner.

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal ... For the Opposite Parties.

The subject-matter of challenge relates to order dated 17.11.2021 passed by learned Executive Magistrate, Baruipur Sub-Division, South 24-Parganas in M.P. Case No. 3410 of 2021 under Section 144(2) of the Code of Criminal Procedure.

The grievance of the petitioner is that the learned Executive Magistrate restrained the present petitioner from causing disturbance during construction. According to the petitioner, the same is outside the scope of jurisdiction of the learned Magistrate under Section 144(2) of the Code of Criminal Procedure. Needless to state that an order of such nature, when a restrain order was passed by the learned Executive Magistrate, is valid for a period of sixty days, the said time period has expired long ago. Accordingly, the order dated 17.11.2021, by passage of time, has become infructuous.

The concerned Inspector-in-Charge, Joynagar Police Station would see that there is no breach of peace at the

locale and if required, parties may be referred to civil court for orders relating to construction.

With the aforesaid observations, the revisional application being CRR 2629 of 2021 is disposed of.

All 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.)