

CRR 2644 of 2021
(Via video conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 filed in connection with M.P. Case no. 4304 of 2021 under Section 144(2) of the Code of Criminal Procedure, 1973.

In the matter of : Rekha Sarkar

.....Petitioner

Mr. Souvik Mitterfor the Petitioner

The revisional application relates to a proceeding before the learned Sub-Divisional Executive Magistrate, Barasat in connection with M.P. Case no. 4304 of 2021 under Section 144(2) of the Code of Criminal Procedure, 1973.

Mr. Mitter, learned advocate for the petitioner draws the attention of this court to an order dated 25.10.2021 passed by the learned Executive Magistrate and submits that there was no restrain order and only reports were called for by the learned Executive Magistrate from the B.L & L.R.O, Barasat-II and Inspector-in-charge, Madhyamgram Police Station with a direction to maintain status quo.

According to the learned advocate for the petitioner, there was no scope for the learned Sessions Judge to interfere in such type of interlocutory order. However, learned Sessions Judge by its order dated 16.11.2021 admitted the revisional application filed at the instance of the private opposite party and stayed the proceedings till the next date which was fixed on 8th July, 2022.

As the provision of Section 144 (2) of the Code of Criminal Procedure relates to steps which are to be taken for a limited period of time, I am of the view that the date fixed by the revisional court, would not only frustrate the proceedings but also prejudices the right of audience being passed in the absence of the petitioner, at whose instance, the proceedings were initiated.

Without entering into the merits of the proceedings under Section 144(2) of the Code of Criminal Procedure or the revisional application, I am of the opinion that the present revisional application before this court can be disposed of with a direction upon the learned Sessions Judge, North 24 Parganas to the effect that the date which was fixed on 8th July, 2022 be preponed to first week of February, 2022 when the learned Sessions Judge, being the revisional Court would hear out the application on merits by fixing a date within ten days from the date so fixed on first week of February, 2022.

With the aforesaid observations, CRR 2644 of 2021 is disposed of.

All parties are to act on the serve copy of this order duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)