

CRR 2858 of 2015

In the matter of : Dilip Kumar Santra @ Dilip Santra
.....Petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswasfor the State

The matter is listed today for hearing.

None appears for the petitioner and the Opposite Party
No.2.

Learned advocates for the State are present.

This revisional application has been filed under Section 401/482 of the Code of Criminal Procedure challenging the order dated 31.7.2015 passed by the learned Executive Magistrate, Sadar, Paschim Medinipore in M.R. Case no. 407 of 2015 under Section 144(2) of the Code of Criminal Procedure and order dated 12.8.2015 passed by the learned Sessions Judge, Paschim Medinipore in criminal revision no. 461 of 2015.

On a perusal of the order dated 31.7.2015 passed by the learned Executive Magistrate, Sadar, Paschim Medinipore, it appears that Investigating officer, Kotwali police station was directed to maintain peace and tranquility in the locality over the issue and also see that no permanent construction was made without prior permission of the appropriate authority to avoid law and order problem over the matter.

Challenging the order of the Executive Magistrate, a criminal revision bearing no. 461 of 2015 was preferred before the learned Sessions Judge, Paschim Medinipore, where an

order dated 12.8.2015 was passed directing that the order dated 31.7.2015 passed by the learned Executive Magistrate, Sadar, Paschim Medinipore was stayed till the disposal of the revisional application.

Heard the learned advocate for the State. It appears to me that there is no illegality in the order passed by the learned Executive Magistrate under Section 144(2) of the Code of Criminal Procedure as well as the interim order, passed by the learned Sessions Judge, which has stayed the order of Executive Magistrate till dispose of the revision.

The order of the Executive Magistrate under section 144 (4) of Cr. P.C has no force as such the impugned order staying the order of the Executive Magistrate is inconsequential.

In such view of the matter the prayer for setting aside of the order passed by learned Sessions Judge, Paschim Midnapore is without merit and the same is dismissed.

Let a copy of this order be sent to the learned Sessions Judge, Paschim Medinipore for information.

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

(Ananda Kumar Mukherjee, J.)