

28.02.2022

Sl. No. 21

Court No.35

BM

(Via Video Conference)

CRR/3017/2015

In the matter of : Prafulla Middya & Anr.

... Petitioners

Mr. Binay Panda

Mr. S. Mahapatra

... for the State

None appear for the petitioners.

Mr. Binay Panda along with Mr. S. Mahapatra, learned advocates appeared for the opposite party/State. The appointment of the State advocates may be regularised by the concerned authority

None appear for Puspa Rani Sardar/opposite party no.2.

This revisional application has been filed by the petitioners assailing the order dated 6.8.2015 passed by the learned Executive Magistrate, Baruipur, South 24 Parganas in M.P Case No.2702 of 2015 under Section 144(2) of the Code of Criminal Procedure.

Heard learned advocate for the State. It is submitted that the impugned order is not in force as on date and this is a fit case where the revisional application should be dismissed.

Perused the application for revision along with annexure and the impugned order. It appears that an order was passed on 6.8.2015 where on the basis of an application filed by the opposite party no.2 herein against the present petitioners, alleging likelihood of breach of peace and disturbance of tranquility and peaceful possession of the

opposite party no.2 an action was required to be taken under Section 144(2) of the Code of Criminal Procedure.

On hearing learned advocate for the petitioners, the executive Magistrate directed Officer-in-Charge, Joynagar Police Station and BLL&RO, Joynagar-II to enquire into the matter and submit Police report immediately. Furthermore Officer-in-Charge, Joynagar Police Station was directed to maintain peace and tranquility over the case land and to restrain the present petitioners from disturbing at the time of cultivation of the land by the present opposite party no.2.

It appears from the impugned order that a direction was given to Police and BLL&RO to enquire into the status of the parties in respect of the properties and possession over the disputed land. Considered.

In case of urgency, Section 144(2) of the Code of Criminal Procedure vests ample jurisdiction to the Executive Magistrate to pass a direction ensuring maintenance of peace and tranquility.

I do not find any illegality or irregularity in the impugned order passed on 6.8.2015. It also needs to be mentioned that under Section 144(4) of the Code of Criminal Procedure, an order passed under Section 144 remains in force only for 60 days. Therefore, the impugned order has no force as on date. The revisional application is without merit and the same is dismissed.

Let a copy of this order be sent to the Executive Magistrate, Baruipur, South 24 Parganas for information.

(Ananda Kumar Mukherjee, J.)