

D/L71  
10.02.2023  
Bpg.

C.R.R.349 of 2023

In Re: An application under Section 401 read with Section 482 of the  
Code of Criminal Procedure, 1973;

Anup Singh  
Versus  
Sesnath Singh and others

Mr. Prabir Kr. Mitra,  
Mr. Pinak Kr. Mitra,  
Ms. Ariba Shahab,  
Ms. Pallavi Pain.  
...for the petitioner.

The revisional application has been preferred challenging the order dated 07.01.2023 passed by the learned Additional Sessions Judge, 1<sup>st</sup> Court, Serampore, in Criminal Motion No.003 of 2023.

Learned advocate is aggrieved by the interim order being passed ex parte by the learned Additional Sessions Judge.

Records reflect that the next date has been fixed on 15<sup>th</sup> February, 2023.

In view of the anxiety expressed by the petitioner regarding the difficulties which would be faced by him in absence of the order of the learned Executive Magistrate, I direct that the learned Additional Sessions Judge, 1<sup>st</sup> Court, Serampore, Hooghly will on 15.02.2023 reconsider the interim order earlier passed after hearing the present petitioner. In case, the learned Sessions Judge is of the opinion that both the parties are to be heard, in that case, the learned Additional Sessions Judge would send both the parties back to the learned Executive Magistrate for invoking the provisions

of sub-Section (5) of Section 144 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 349 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

Learned trial court is directed to act on the server copy of this order duly downloaded from the official website of this Court.

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 of all requisite formalities.

**(Tirthankar Ghosh, J.)**