

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 921 of 2023

**Shiuli Maity
Vs.
State of West Bengal & Ors.**

**For the petitioner : Mr. Soumik Ganguli,
Mr. Sourat Nandy,
Mr. Supriyo Shasmal**

Judgement on : 17.04.2023.

Bibek Chaudhuri, J.

The petitioner is the complainant of Case No. C-175/2022 pending before the learned Additional Chief Judicial Magistrate at Kakdwip. The said criminal case was instituted against the opposite parties on the allegation that the opposite parties have committed theft of a fishing trawler belonging to the petitioner. Allegation has been labelled against the opposite parties for unlawful assemble with arms causing hurt to the petitioner, theft of trawler, wrongful confinement of the petitioner, extortion, criminal intimidation with common intention. In the said proceeding, the petitioner filed an application under Section 94 of the Code of Criminal Procedure with a prayer to seize the fishing trawler belonging to the petitioner from the possession of the opposite parties. The learned Additional Chief

Judicial Magistrate Kakdwip allowed the said application. Being aggrieved the opposite parties preferred a revision before the learned Additional Sessions Judge, 1st Court at Kakdwip which is registered as Criminal Revision No. 3/2023. The learned Judge in the revisional Court vide his order dated 30th January, 2023 admitted the said revision and granted stay of operation of the impugned order.

It is alleged by the petitioner in the instant revision that if the said interim order is allowed to be continued, there is every possibility that the opposite parties may dispose of the fishing trawler belonging to the petitioner. Therefore, the petitioner has prayed for setting aside of the order of stay passed by the learned revisional Court. I have heard Mr. Ganguli, learned Advocate for the petitioner at length. The order of stay granted in favour of the opposite parties is in the nature of an interim order. The revisional Court cannot exercise the power of revision of interlocutory interim order passed by another revisional Court having coordinate jurisdiction.

However, considering the urgency of the case, the learned Trial Judge is directed to dispose of the criminal revision positively on the next date fixed, i.e. 11th May, 2023. The learned Judge is also directed to ensure that in the meantime the fishing trawler which is the subject-matter of dispute in the instant case may not be disposed of in any way by the opposite parties.

With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J.)