

CRR 907 of 2011
CRAN 3 of 2012

In the matter of : Sudhir Kumar Patodia

Mr. N. P. Agarwala
Mr. P. Bose, ... For the State

This criminal revision challenges the order passed by the learned Additional Sessions Judge, 9th F.T.C., Bichar Bhawan, Calcutta in Criminal Revision No. 174 of 2010 on 04.12.2010 which was filed assailing the order of learned Executive Magistrate passed in a proceeding initially registered under Section 144 of the Code of Criminal Procedure subsequently converted into a proceeding under Section 145 of the Code of Criminal Procedure. Learned Trial Court, having considered the materials made available before him was pleased to dismiss the criminal revision.

Fact of the case in short is that, an application under Section 144 (2) of Cr.P.C. was taken out by the petitioner Sri Sudhir Kumar Patodia against his own brothers and another person which was registered as M-152 of 2009. Learned Executive Magistrate upon considering the police report was pleased to treat this application under Section 145 (1) of the Cr.P.C. which was the root of cause dissatisfaction of the petitioner. The Section 145 (1) of the Cr.P.C. envisages that an Executive Magistrate whenever is satisfied either from a report of a police officer or upon other information that a dispute is likely to cause a breach of peace concerning any land or water or boundaries etc., he shall make an

order in writing. The petition of complaint taken out before the learned Executive Magistrate unerringly set aside the dispute over the property among the brothers. Therefore, the learned Additional Sessions Judge, 9th Fast Track Court, Bichar Bhawan, Calcutta refused to interfere with the order passed by the learned Executive Magistrate and in my opinion the impugned judgment of the learned Additional Sessions Judge, 9th Fast Track Court, Bichar Bhawan, Calcutta does not warrant any interference.

Accordingly the revisional application is bereft of merit and is thus dismissed.

With this observation the revisional application along with CRAN 3 of 2012 is disposed of.

Let a copy of this order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)