

26.04.2023

Item No.13
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 1351 of 2021
with
CRAN 1 of 2021**

**Sri Uttam Mal
versus
The State of West Bengal & Ors.**

Mr. Anirban Mitra,
Mr. Amit Halder,
Mr. Amit Roy

... For the Petitioner.

Re: CRAN 1 of 2021
(an application under Section 5 of the Limitation Act)

Learned advocate appearing for the petitioner prays for condonation of delay of 364 days in preferring this revisional application.

The reasons so assigned in the application for condonation of delay are found to be just and reasonable. Accordingly, delay is condoned. The application being CRAN 1 of 2021 is, thus, allowed.

Re: CRR 1351 of 2021

In view of the ratio settled by the Hon'ble Supreme Court in ***Gulam Abbas & Ors. Vs. State of U.P. & Ors.*** reported in **1981 AIR 2198**, I direct that in case there is an order of the civil court, which is reflected in the report of the Sub-Inspector of Police, Baguiati Police Station that an injunction order was passed in C.O. 1039 of 2013, the limited scope of the Executive Magistrate is to execute such order. Learned Executive Magistrate will not in such cases decide the right,

title and interest, but would implement the order of the civil court be it by a Civil Judge or the Hon'ble High Court, Calcutta.

With the aforesaid observations, the revisional application being CRR 1351 of 2021 is disposed of.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)