

01-09-2023
ct no. 25
Sl.10
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C.R.R. 2133 of 2018

Shibshankar Prasad Saha @ Shib Shankar Saha
-Versus-

Dilip Saha & Ors.

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sayan Mukherjee,
Mr. Payel Khanra

...for the petitioner

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee

...for the opposite party nos. 1 to 6

Heard the learned counsel appearing on behalf of the petitioner. He submits that the logs are lying in his land in respect which he is the absolute owner. He further submits that the learned Judicial Magistrate, 3rd Court, Malda has not correctly disallowed the petition under Section 94 of the Code of Criminal Procedure. He also submits that the learned Magistrate ought to have allowed the prayer issuing search warrant under Section 94 of the Code of Criminal Procedure and the ground of rejection is not at all satisfactory and is not in accordance with law. He further submits that the petitioner is the absolute owner of the land in question wherein the trees were, which have been cut down and

the logs are lying as such he prayed for allowing the instant criminal revision.

On the contrary, the learned counsel appearing on behalf of the opposite party nos. 1 to 6 submits that the petitioner is not the absolute owner in respect of the land in question. The trees which have been cut down and the property wherein the trees were standing jointly belong to the petitioner and the opposite party nos. 1 to 6. As such, the rejection of the prayer under Section 94 of the Code of Criminal Procedure is correct and has thus prayed for dismissal of the instant criminal revisional application.

The learned Additional Public Prosecutor representing the State submits that the State have been formally made a party.

On going through the submissions of the learned counsels appearing on behalf of the petitioner and the opposite party nos. 1 to 6 it reveals that the dispute is as regards the ownership of the land and in effect the ownership of the logs.

In view of the above, the entire matter involves ownership of the land, which is a civil dispute which can be decided by an appropriate civil forum.

As such this Court finds no irregularity in the passing of the impugned order, so there is no necessity of interference.

The learned counsels have also submitted that the complaint case being No. 72C of 2018 is in the stage of evidence.

Considering the fact that the complaint case is in the stage of evidence, the learned Judicial Magistrate is requested to dispose of the complaint case within the year 2023. As such, the instant criminal revision is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)