

06.12.2023
Sl. No. 34
Suman
Ct.No.32.

CRR 2224 of 2017

Tarun Kumar Pradhan
Vs.
The State of West Bengal & Ors.

Nobody appears on behalf of either of the parties.

Even on earlier occasion no one appeared to represent the petitioner and sought for accommodation.

This case pertains to year 2017. Accordingly, the record is taken up for passing order on merit.

The petitioner filed this application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 being aggrieved and dissatisfied with the order dated 26.04.2017 passed by the learned Executive Magistrate, Kakdwip in Casd No. M.496 of 2013 filed under Section 147 of the Code of Criminal Procedure thereby the learned Executive Magistrate was pleased to pass an order of dismissed for default.

The brief facts pertaining for disposal of this case is that the land consist of R.S. Khatian No.

1266, L.R. Khatian No.475 of Mouza- Namkhana, R.S., Dag No.2586, L.R. Dag No.4375, 4377 belongs to Bamkin Chandra Pradhan and after his demise the petitioner along with two brothers and the private respondent herein are jointly possessing and enjoying the said land. The dispute arose between the parties regarding common passage of the said land for ingress and egress. It is alleged that in the month of September, 2013 the private respondent suddenly obstructed the common passage by planting trees upon the said common passage. Accordingly, he lodged a complaint before the Namkhana police station being G.D. Entry No. 1427 of 2013. However, no result, finding no other alternative he filed an application before the learned Executive Magistrate to draw up a proceeding under Section 147 of the Code of Criminal Procedure. However, on the date of hearing the petitioner did not turn up before the learned Executive Magistrate. Accordingly, the matter was dismissed for default.

I do not find any infirmity in the said impugned order. There is no scope to interfere with the said impugned order under Section 482 read with Section 401 of the Code of Criminal Procedure.

Accordingly, **CRR 2224 of 2017** is dismissed.

However, there will be no order as to costs.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, is to be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)