

29-08-2023
Subha
Item no. 107
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2812 of 2023

Esa Ali
-versus-
State of West Bengal and Ors.

Mr. Arun Shaw

...for the petitioner.

Mr. Surajit Basu

Ms. Barnali Banerjee

....for the opposite party nos. 3,4,6,7,9 & 10.

Mr. Arijit Ganguly

Mr. Koushik Kundu

..for the State.

Petitioner has prayed for expeditious disposal of case being M P. Case No. 1060 of 2017 which was pending before the court of the learned S.D.E.M(Ex) at Basirhat, North 24 Parganas.

The proceedings were pending since 2017 for a period of 6 years and is a proceeding under Section 133 of the Code of Criminal Procedure. This court called for a report from the Baduria PS. The concerned Officer of Baduria PS has submitted a report.

Having regard to the nature of the report which has been submitted, I am of the view that the parties should have their dispute resolved before the civil court. The petitioner would be at liberty to prefer appropriate proceedings before the civil court so far as the learned Executive Magistrate is concerned. The Executive Magistrate's duty is for a limited period of time in a dispute relating to matters which are temporary in nature.

Having considered that the present proceedings are pending for the last six years, I am of the view that further proceedings of MP Case No. 1060 of 2017 should not be allowed to continue and the same should be dropped. The Officer-in-Charge, Baduria PS however will exercise his duty by maintaining peace and tranquility in the locale. No untoward incident should happen because of the order of the learned Executive Magistrate being withdrawn. It is reiterated that both the parties would be at liberty to approach the civil court for their regular remedies.

Let the report of the Officer-in-Charge, Baduria PS submitted thorough the learned advocate for the State be kept with the record.

State is directed to give a copy of the report to both he parties.

With the aforesaid observations, the revisional application being CRR 2812 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

