

10.10.2023
Item No.40
Ct.No.34
dc.

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

C.R.R. 3623 of 2023

In the matter of : **Shoheli Biswas (Bagchi)** ... Petitioner.

Mr. Moyukh Mukherjee,
Mr. Sayantan Sinha ... For the Petitioner.

Ms. Anasuya Sinha,
Ms. Subhasree Patel ... For the State.

Mr. Santanu Chatterjee ... For the Opposite Party No.2.

Affidavit-of-service filed in Court today be kept on record.

The petitioner is aggrieved by the factum of the order dated 12.09.2023 being passed by learned Executive Magistrate, 1st Court, Alipore in M.P. Case No. 2954 of 2023. Learned advocate appearing for the petitioner submits that in a case under Section 133 of the Code of Criminal Procedure, the learned Magistrate without considering the ambit of Section 133 of the Code of Criminal Procedure has directed for a report to be submitted on 10.10.2023 and further directed that no breach of peace takes place.

Having considered the submissions advanced by Mr. Mukherjee, learned advocate for the petitioner and Mr. Chatterjee, learned advocate for the opposite party no.2, I am of the opinion that as the report was called for, the report should be considered by the learned Executive Magistrate for arriving at his decision in terms of the application which was filed under Section 133 of the Code of Criminal Procedure.

No interference is made by this Court at this stage. Both the parties are referred to the learned Executive Magistrate who decides the issues in accordance with law.

With the aforesaid observations, the revisional application being CRR 3623 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)