

August 17, 2023
AD-9
Ct. 34
SG

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRR 4033 of 2022

In the matter of: Md Wasim Akhtar
... petitioner

Md. Nauroz Rahber
Md. Jawwad
... for the petitioner.

Petitioner is aggrieved by the order dated 14.09.2022 passed in MP Case No.200/2022 under Section 144 Cr.P.C. wherein learned Special Executive Magistrate, Chandannagar Division was pleased to direct the petitioner to vacate the suit premises as early as possible.

I am of the firm view that it is not within the domain of the learned Special Executive Magistrate, Chandannagar Division to pass such order in an application under Section 144 Cr.P.C.

The direction of the learned Executive Magistrate is restricted to orders relating to breach of the peace at the locale and to maintain the tranquillity of the area. It is for the concerned civil court to determine who would be in possession or who would be vacating the particular premises.

Be that as it may, the order dated 14.09.2022 is concerned, so far as it relates to vacating the suit premises be not given effect to.

Considering the proceedings and its nature, the same do not want any further continuation since it is instituted almost a year ago.

Accordingly, learned Special Executive Magistrate, Chandannagar Division is directed to drop the case being MP Case No.200/2022.

With the aforesaid observations, CRR 4033 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

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

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of such requisite formalities.

(Tirthankar Ghosh, J.)

