

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 4045 of 2022

Rabindra Singh Rathore

Vs.

Nepal Chandra Das & Anr.

**For the petitioner : Mr. Tapas Kumar Sinha, Adv.
Mr. Arunava Pati, Adv.
Mr. Arup Kundu, Adv.**

Heard on : 27.04.2023.

Judgment On : 27.04.2023.

Bibek Chaudhuri, J.

The petitioner has challenged an order dated 3rd August, 2022 passed by the learned Executive Magistrate, Khatra, Bankura in Case No. M.P. 424 of 2019 dropping the Case No.M.P. 145 of 2020.

I have perused the impugned order.

It is needless to say that both the above mentioned cases are proceedings under Section 144 of the Cr.P.C. Both the cases are at present not maintainable due to efflux of time. Moreover, a civil suit is pending between the contesting parties over the ownership of the disputed land. However, it is recorded that the schedule of the civil suit

and the land involved in M.P. Case No.424 of 2019 and M.P. Case No.145 of 2020 are completely different and separate.

In order to have efficacious relief, the petitioner will have to approach the appropriate Forum and the Executive Magistrate is not the forum to decide the right, title and interest over any landed property.

Since the effect of the order passed in M.P. Case No.424 of 2019 and M.P. Case No.145 of 2020 has already expired by efflux of time, I do not find any reason to admit the instant revision.

With the above observation, the instant revision is disposed of.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.13.
D/L.**