

1.09.2023  
SL No.13  
Court No.3

***Circuit Bench of Calcutta High Court  
At Jalpaiguri***

**CRR 103 of 2022**

In the matter of: Subal Chandra Mazumder  
.....petitioner.

Mr. Aniruddha Biswas  
..... for the State.

None is appearing on behalf of the petitioner.

Mr. Aniruddha Biswas, learned counsel is  
representing the State.

This application impeaches the order passed by  
the learned Executive Magistrate at Jalpaiguri in N.G.R.  
308 of 2022 in a proceeding under Section 107 of the  
Code of Criminal Procedure.

Apprehending breach of peace over the rival  
claim of ownership in respect of property, learned  
Executive Magistrate pursuant to G.D. 367/393 dated  
07.01.2022 on 3<sup>rd</sup> February, 2022 drew up a  
proceeding under Section 107 of the Code of Criminal  
Procedure against the opposite parties, namely,  
Soumen Saha, Swapan Dutta and Sukanta Sarkar  
directed them to execute bond of Rs. 5,000/- each to  
keep peace in the locality for a period of six months.

Such order was passed on 3<sup>rd</sup> February, 2022.  
Interestingly, the petitioner, the first party in the  
proceeding Subal Chandra Mazumder, upon whom no

direction was given, being aggrieved by such order, preferred an application under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure.

The writ application, however, was converted into the petition for Criminal revision. The order impugned has lost its force in the month of August, 2022.

The revisional application is devoid of any merit and is dismissed with cost of Rs. 10,000/- C.P.

**(Siddhartha Roy Chowdhury,J)**