

13.01.2023
SL No. 5
Court No.3
BR/SB

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 225 of 2022

In the matter of : Dinchen Yonzon & Ors.

Mr. Anand Bhandari
Mr. Urgen Lama
Mr. Panthu Rai
Mr. Mayank Bhandari ... for the petitioners

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Sourav Ganguli ... for the State

Mr. Pratap Khetri
Ms. Bandana Rai ... for the O.P. No. 3

Affidavit of service is taken on record.

This proceeding under Section 144 of the Code of Criminal Procedure initiated at the instance of Smt. Pramila Lakhandri on 01.01.2022 and a blanket order has been passed by the Executive Magistrate directing the Inspector-in-Charge, Kurseong Police Station to maintain peace in an around the locality on the allegation that opposite party was trying to encroach upon the land and garage in possession of the petitioners. The order passed by the learned Executive Magistrate prima facie indicates that he has transgressed the power vested upon him under Section 144(2) of the Code of Criminal Procedure, that apart the proceeding under Section 144 of Code of Criminal Procedure should come to an end at best after six months from the date of order.

Under such circumstances, I consider it fit to quash the proceeding being M.R. Case No. 01/JM/2022 dated 27.01.2022 pending before the learned Executive Magistrate, Kurseong.

With this observation, the criminal revision is disposed of.

Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)