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CRR 436 of 2017

Uttam Santra

Vs.

Goutam Santra

1. This revisional application was filed assailing the order dated 03.02.2017 passed by the learned Executive Magistrate, Uluberia, in connection with Miscellaneous Case No. 134 of 2017 under Section 144 of the Code of Criminal Procedure directing both the parties to maintain peace over the suit property.
2. This revisional application was filed assailing the order on the ground that the learned Executive Magistrate without drawing up proceeding 144 of the Code of Criminal Procedure passed a mandatory order.
3. From the order impugned, it is found that the learned Executive Magistrate called for a report from Officer-In-Charge, Shyampur Police Station and the Block Land and Land Reforms Officer, Shyampur-II and direction was given to maintain peace, in the meantime, by the parties.
4. Under Section 144 of the Code of Criminal Procedure, learned Executive Magistrate can pass order for immediate prevention or speedy remedy directing any person to abstain from a certain act.
5. However, on careful perusal of the order impugned, I

do not find any illegality and moreover the order passed by the learned Executive Magistrate remained in force for fix months only and to add to that, report of the department shows that the petitioner expired on 14.07.2021.

6. In the aforesaid view of the matter, the revisional application stands dismissed.
7. Pending application, if any, also stands dismissed.
8. Interim order, if any, stands vacated.
9. Department is directed to communicate this order to the learned Trial Court.

(Bibhas Ranjan De, J.)