

29.04.2024

Court No.32

Item.26

(Srimanta)

CRR/1809/2018

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure

And

In the matter of: **Asit Malakar**

...Petitioner.

Mr. Navanil De,
Ms. S. Majumder

...for the petitioner.

1. The learned Advocate appearing on behalf of the petitioner candidly submits that the instant revisional application became infructuous because this application has been filed under Section 401 read with Section 482 of the Code of Criminal Procedure challenging the order dated 13.06.2018 passed by the learned Sub-Divisional Magistrate, 1st Court, Tamluk, Purba Medinipore in connection with M.P. Case No. 371/2018 dated 08.06.2018 under Section 144(2) of the Code of Criminal Procedure thereby restraining the petitioner from entering into the suit plot in question. Under the provision of Section 144(4) it is clearly stipulated that –

“No order under this Section shall remain in force for more than two months from the making thereof:

Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this Section shall remain in force for such further period not exceeding six months from the date on

which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification”

2. In view of the above facts and circumstances, the instant revisional application becomes infructuous. Accordingly, CRR/1809/2018 is, thus, dismissed being infructuous.
3. Interim order, if any, stands vacated.

(Ajay Kumar Gupta, J.)