

19.04.2024
Sl.No. 23
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 1824 of 2018

Mujibar Sk. and ors.
Vs.
The State of West Bengal and ors.

Nobody appears on behalf of the petitioners on call.
Even on earlier occasion no one represented the petitioners,
no accommodation sought for.

This case pertains to the year 2018.

The instant application is taken up for disposal on
merit considering the nature of prayer and to avoid further
delay.

The instant revisional application has been filed by
the petitioners under sections 482 of the Criminal Procedure
Code, 1973, seeking quashing of the impugned proceeding
being N.G.R. case no. 462 of 2018 under section 107 of the
Criminal Procedure Code in connection with
G.D.E. no. 123 dated 7.2.2018 including the purported order
dated 27.06.2018 passed by the learned Executive
Magistrate, Katwa, Sub-Division, Purba Burdwan.

The factual matrix in the instant case is that the
petitioners contended in the application that they are the
owner of the land and recorded Bargadar of the land
comprising Mouza -Koichor, J.L no. 114, Dag no. 2602,

measuring area 1 Acre 46 Decimals, P.S. Mangalkote, District -Purba Burdwan under the recorded owner Ishanibala Chowdhury (since deceased) and thereafter under their legal heirs and they are peacefully cultivating the land as that was their only source of income for living and surviving. The legal heirs have sold the said land to the petitioners, namely, Abdul Hayet Sk vide Deed no. 1427 dated 16.3.2016 and thereafter he is enjoying the peaceful possession after paying the Khazna/Dhakhila to the Government of West Bengal. As there was a disturbance created by the opposite party no. 3 and others the petitioners had filed a Title Suit being no. 82/2016 before the Civil Judge, Senior Division, Katwa, District- Purba Burdwan when they had created disturbance during cultivation and harvesting.

However, suddenly on 7.2.2018 the opposite party by suppressing the material facts of the proceedings during pendency of the civil suit filed an application under section 107 of the Criminal Procedure Code before the learned Executive Magistrate, Katwa, Purba Burdwan being NGR 462 of 2018 wherein the opposite party further asserted with false statement that they are absolute owner of the land in question. But the said application was not maintainable. In spite of the said facts, learned Magistrate passed an order with a direction to the petitioners to appear on 10.7.2018 at 10 O' Clock to show cause why they should not be entered into a bond of Rs. 1000/- each for keeping peace in the area for six months.

Being aggrieved and dissatisfied with the said order the present revisional application has been filed seeking quashing, as such the case has come up before this court for disposal.

Upon perusal of the application and annexures thereto and contention of the petitioners it appears that the Civil Suit is pending between the parties. However, there is a dispute creates disturbance in the area between the parties. In such a situation, the learned Executive Magistrate, Katwa, Purba Burdwan issued a show cause notice asking the present petitioners as to why they should not be required to enter into a bond of Rs. 1000/- for keeping peace in the area for six months. That order is needed to pass when an application filed under section 107 of the Criminal Procedure Code to maintain peace in the area. If any grievances, the petitioners would have placed before the Executive Magistrate on the date fixed, but directly come before this court by filing a revisional application.

Under such circumstances, this court do not find any illegality, infirmity or perversity in the order passed by the learned Executive Magistrate. Furthermore, six months has already been expired long ago from the date of passing of such order dated 27.6.2018.

Under the above facts and circumstances of the case, the instant revisional application being **CRR 1824 of 2018** is dismissed without any order as to costs.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information and taking necessary action.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)