

**In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side**

16.04.2024

Court No.32

Item.26

(Srimanta)

CRR/3989/ 2017

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Uttam Konar**

...Petitioner.

Nobody appears on behalf of either of the parties on call. Even on earlier occasion no one represented the petitioner. No accommodation sought for. Under the above circumstances, the instant case is taken up for disposal on merit considering the nature of prayer and to avoid further delay.

The instant application has been filed under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 challenging the correctness, legality and perversity of order dated 14.09.2017 passed by the learned Sub-Divisional Magistrate, Bankura Sadar in MP Case No. 875/2017 arising out of an application under Section 144 of the Code of Criminal Procedure, 1973 and order passed therein.

The brief facts of the instant case are relevant for disposal of this case.

The case of the petitioner is that there was a Government land of 1.25 acre situated at Mouza – Tentulmuri, Dag No. 16/1792, J.L.No. – 138, Police Station – Onda, District – Bankura which are being used by local people as a football ground as well as for

organizing cultural function of the society since last 30 to 40 years. Suddenly, the opposite party no. 2 to 8 started claiming that they are the owners of the said land and started disturbing the peaceful playing of the petitioner and thereby trying to acquire the land in question by using force. The said illegal activities have been informed to the local Panchayat as well as the local Police Station.

An application under Section 144 of the Code of Criminal Procedure has been filed. Upon hearing the learned Sub-Divisional Executive Magistrate, Bankura Sadar directed the Officer-in-Charge, Onda Police Station to keep strong vigil so that no untoward incident may take place over the alleged issue and peace and tranquility be maintained in the area and further BL&LRO, Onda is directed to enquire into the matter and submit report.

The said matter was further appear on 14.09.2017 whereby the learned Sub-Divisional Magistrate passed an order restraining everybody except Police Force to enter into the disputed land till further order. In the meantime, status quo will be maintained strictly over the said land in question and thereafter a date has been fixed on 16.10.2017.

Being aggrieved with the said order dated 14.09.2017 the petitioner filed this application. As such, the same has come up before this Court for disposal.

Upon perusal of the application and annexures thereto including the order of Executive Magistrate, this Court finds the order passed on 14.09.2017. Thereafter, several years have been passed. The order passed under Section 144 of the Code of Criminal Procedure shall remain in force for not more than two months from the making thereof. Section 144 Sub-section (4) of the Code of Criminal Procedure says as under:-

“ 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.”

Under such circumstances, the instant application became infructuous. Accordingly, CRR/3989/2017 is, thus, disposed of with above observation without order as to costs.

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

(Ajay Kumar Gupta, J.)