

04.09.2025
Item No.9
Ct. No. 446
KS

C.R.R. 259 of 2025

In the matter of: **Sunil Kumar Ray @ Sunil Kr. Ray**

..... Petitioner

Mr. Uday Sankar Chattopadhyay

Ms. Trisha Rakshit

Ms. Aishwarya Datta

Ms. Bidisha Chakraborty

Ms. Sadia Parveen

....For the Petitioner

Mr. Uttiya Ray

Ms. Anima Maiti

.....For the O.P. No.2

Ms. Manisha Sharma

Mr. Amanul Islam

.....For the State

1. Affidavit of service filed by the petitioner in Court and the same be kept with the record.
2. This instant revisional application has been filed under Section 528 of the B.N.S.S. for quashing of the proceeding in M.P. Case No.934 of 2024 under Section 163 of the B.N.S.S. pending before the learned Sub-Divisional Executive Magistrate, Sadar, Purba Bardhaman and all orders including Order No.2 dated 22nd August, 2024 passed by the said Sub-Divisional Executive Magistrate, Sadar, Purba Bardhaman whereby direction has been given to the O.C., Bhatar Police Station to maintain peace and tranquility over the suit plot of land until the case is disposed of.
3. Learned advocate appearing for the petitioner submits that the petitioner is being harassed by the present opposite party by filing this application under Section 144 of the Code of Criminal Procedure on repeated occasion and they have no right, title and interest in respect of the property in question.

4. It is further submitted that without drawing up any proceeding, the learned Executive Magistrate has given such direction to the concerned Bhatar Police Station to deal with the suit plot of land until the case is disposed of on the strength of which, the present petitioner is debarred from doing the regular cultivation of land.
5. Learned advocate appearing on behalf of the opposite party raises objection and it is submitted that the Record of Right is present in their favour and they are in possession of the land. The present petitioner is in the process of ousting them from the land and they had to file the proceeding under Section 144 before the Court of learned Executive Magistrate.
6. Heard the learned Prosecution.
7. Having heard the rival contentions of both the learned advocates. On perusal of the order passed by the learned Executive Magistrate on 22nd August, 2025, which is passed with the direction in absence of any report from the B.L. & L.R.O., Bhatar, itself is questionable in the eye of law. However, the nature of order passed is only to maintain the peace and tranquility over the suit plot of land, it is no way can be termed as a restraint order to the opposite party from continuing with their lawful rights, if any, over the suit plot of land.
8. The purpose of filing this revisional application under Section 528 of the B.N.S.S. is to prevent the abuse of process of law. The power under Section 144 of the Code of Criminal Procedure corresponding to Section 163 of the B.N.S.S. is to be exercised considering the urgency of the situation and to prevent some serious consequences where there is likely to be breach of peace and tranquility and the reason to pass any such order must be supported with reason. In this case, considering the

nature of the order passed, this Court, at present, do not find any such ingredient to quash the proceeding, at this stage and it is apparent that the proceeding is pending since 2024 and when there is a stipulated period of duration of such order, the matter ought to have been disposed of within the parameters of provision as enumerated under Section 144 of the Code of Criminal Procedure corresponding to Section 163 of the B.N.S.S.

9. With the above observation, criminal revisional application stands disposed of.
10. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)