

AD 297  
July 14, 2025  
Ct. 28  
SG

CRR 1648 of 2025

In the matter of:

*Md. Hasmat*

*... petitioner*

Mr. Ashim Kumar Roy

*... for the petitioner*

Mr. Suman De

Mr. Aritra Bhattacharya

*... for the State*

Mr. Gunjan Kumar Singh

*... for the opposite party No.2*

Learned counsel for the petitioner submits that the petitioner is a “thika” tenant of the property in question. The private opposite party was trying to prevent him from enjoying the property fully. He started five proceedings under the Criminal Procedure Code on some pretext or the other. Even the petitioner’s son who was staying abroad was falsely implicated in a case.

Learned counsel for the State files a report, which is taken on record, and submits that the report indicates that there is a dispute between two sides. Both the parties were asked to maintain peace in locality.

It appears that the report only deals with the allegations and counter allegations made by both the parties. There is hardly any further enquiry done. The enquiry officer has not

even collected relevant documents regarding “thikha” tenancy and about exact area which is in dispute.

However, it appears that a proceeding under Section 126 BNSS is pending before the learned Magistrate and the learned Magistrate has merely asked for a report.

Therefore, it will not be proper to interfere with the order and unnecessary impede the due process of law.

The revisional application is disposed of by directing the police authorities to file a proper and comprehensive report before the learned Magistrate, who shall thereafter dispose of the application in accordance with law and as expeditiously as possible.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

**(Jay Sengupta, J.)**