

C. R. R. No. 2227 of 2025

In Re: An application under Sections 442 and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Sections 401 and 482 of the Code of Criminal Procedure, 1973 filed on 16.05.2025 in connection with M.P. Case No. 278 of 2025 under Section 164, 165 of the BNSS.

And

In Re: ***Sirajul Shah***

... .. Petitioner

Ms. Pampa Dey Dhabal,
Mr. Biswarup Chatterjee

... .. for the petitioner

1. The instant criminal revision has been preferred against an order dated 17th April, 2025 passed by the learned Executive Magistrate, Bishnupur, Bankura, in M.P. Case No. 278 of 2025 under Sections 164, 165 of BNSS corresponding to 144 of the Cr.P.C.
2. It is the contention of the learned counsel for the petitioner that learned Executive Magistrate cannot pass an order to the parties not to change the nature and character of the land. He further submits that the learned Magistrate has also issued direction upon the O.C., Jaipur P.S. to maintain peace and tranquility.
3. He submits that the order passed by the learned Magistrate is palpably illegal in the eye of law. So, he prayed for a necessary direction, so that the order passed by the learned Magistrate be quashed.
4. Having heard the learned counsel for the parties and considering the materials, it appears that the learned Magistrate has issued two directions in the impugned order dated 17th April, 2025 wherein firstly, he directed the parties not to change the nature and character of the land until further order and secondly, he directed the concerned O.C., Jaipur to maintain peace and tranquility. According to the provisions of law enumerated under Section 164/165 of BNSS, the learned Executive Magistrate may pass any order if it appears to be expedient to the

learned Magistrate in respect of a proceeding under Section 164 of the BNSS.

5. It appears to this Court that the portion of the order passed by the learned Magistrate directing the parties not to change nature of the land, is illegal, hence, the portion of the order i.e. 4th paragraph of the impugned order dated 17th April, 2025 is hereby quashed.

6. The remaining portion of the order should be intact. I make it clear that the order should remain in force till 16th June, 2025.

7. Under the above circumstances, this criminal revision is disposed of.

8. Photostat certified copy of this order, if applied for, be furnished to the parties upon compliance of all necessary formalities.

(Subhendu Samanta, J.)