

CRR 1657 of 2015

**Aktar Ali @ Akhtar Hossain Ali & Ors.
Vs.
State of West Bengal & Anr.**

Mr. Debashish Roy, Ld. PP
Mr. Saibal Bapuli
Mr. Debangshu Ghorai

... ... for the State

1. None appears for the petitioners. By its earlier order dated 17.06.2025, this Court requested Mr. Partha Pratim Das, learned counsel for the State to go through the record and to assist this Court for disposal of the instant matter.
2. From the materials on record and submission of the counsels of the State, it appears that the petitioners challenged the order dated 11.05.2011 in CRR No. 15 of 2011 passed by the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Malda where an order of an Executive Magistrate dated 12.11.2010 passed in the case being no. 27P/ 2010 was challenged.
3. The order of the Executive Magistrate dated 12.11.2010 was in effect that he converted an application under Section 144 of Cr. P.C. into an application under Section 145 of Cr.P.C. and directed the concerned BL&LRO to furnish a fresh enquiry report and it was also directed that the said enquiry must be done in presence of both the parties with prior notice.

4. The said revisional application being no. 15 of 2011 was dismissed by the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Malda on 11.05.2011 on the grounds, *inter alia*, that the order of the Executive Magistrate is not a final order and the same is nothing but an interlocutory order. Accordingly, the learned Additional District & Sessions Judge observed that in view of the settled position of law no revision lies challenging an interlocutory order. By the impugned order, the learned Judge has dismissed such revisional application. Being aggrieved with the said order of the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Malda, the present revisional application was filed by the petitioners praying for setting aside the said judgment and order.
5. After going through the materials on record, it is transpired that it has been rightly held by the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Malda that the impugned order dated 12.11.2010 passed by the concerned Court was an interlocutory order and as such the impugned order is not revisable under the revisional power of the learned Court concerned under Section 397 (2) of Cr.P.C.
6. I do not find any gross illegality or irregularity in the impugned judgment passed on 11.05.2011 in Criminal Revisional Application No. 15 of 2011 of the learned

Additional District & Sessions Judge, Fast Track, 2nd Court, Malda and accordingly, the present revisional application stands dismissed without any order as to costs.

7. Accordingly, CRR 1657 of 2015 is disposed of.
8. Interim order, if any, stands vacated.
9. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Apurba Sinha Ray, J.)