

CRR 2702 of 2017

With

CRAN 1 of 2022

Sk. Nesar & Ors.

Vs.

State of West Bengal & Ors.

1. This Court notes with grave concern that the instant matter, C.R.R. No. 2702 of 2017, has languished on the file since 21st August, 2017.
2. Despite the passage of over eight years and the grant of multiple adjournments, there is a record of persistent non-appearance on behalf of any of the parties. The Report of the Assistant Registrar-XII dated 20th November, 2025, confirms that administrative notice has been duly served upon Petitioner Nos. 1 to 4 and Opposite Party Nos. 2 to 7.
3. Given the long pendency and the clear disinterest demonstrated by the parties in prosecuting the application, as evidenced by their non-appearance, this Court is constrained to proceed to pass a final order *ex parte* based on the materials available on record. The failure to press the matter strongly indicates that the controversy sought to be adjudicated may no longer be live.
4. The Revisional Application is preferred under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.). It challenges the order dated

4th July, 2017, passed by the learned Executive Magistrate in Misc. Case No. 368 of 2017.

5. The impugned order was passed upon a petition filed by one Narayan Chandra Maity, directing the O.C., Ramnagar Police Station, to provide police protection to the BL&LRO, Ramnagar, for the demarcation of the suit plot and to maintain peace and *status quo*.
6. The Petitioner sought to set aside the order primarily on the contention that the initiation of these proceedings constituted an abuse of the process of Court, citing the pendency of a Civil Suit and the fact that an earlier similar proceeding under Section 145 of the Cr.P.C. had previously been dropped.
7. The impugned order, directing police protection and maintenance of *status quo*, falls under the preventive and executive jurisdiction of the Magistrate, drawing authority akin to the measures provided under Sections 144 and 145 of the Cr.P.C.
8. The preventive orders passed under provisions like Section 145(5) or 145(6) of the Cr.P.C. are strictly limited in their operational duration. It is a settled position of law that the life of such executive orders is inherently temporary and is confined to a specific period, often limited to a maximum of six months unless superseded by a Civil Court decree.
9. As held by the Hon'ble Supreme Court in cases discussing the nature of preventive orders (e.g.,

concerning Section 145), once the statutory period of operation expires, the order loses its efficacy and becomes a dead letter. It is a settled position that the life of such an order is confined to a specific period, generally a maximum of six months for orders concerning the *status quo* under Chapter X of the Cr.P.C.

10. The foundational order under challenge was passed on 4th July, 2017. By the current date, November 28, 2025, its statutory or practical operational lifetime has indisputably expired by efflux of time.
11. Applying the established judicial principle, the foundational order passed by the learned Executive Magistrate has spent itself. Therefore, regardless of the merits concerning the alleged abuse of process, the issue has ceased to be a live controversy capable of effective adjudication by way of a Revisional Order. Granting relief by setting aside an order that is already defunct would be an exercise in futility.
12. This Court, therefore, holds that the Revisional Application has been rendered infructuous.
13. Accordingly, the instant C.R.R. No. 2702 of 2017 along with the connected application is hereby dismissed as infructuous.
14. Interim order, if any, granted earlier in this proceeding stands vacated.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities

(Uday Kumar, J.)