

District : Paschim Medinipur

In the Court of Additional District and Sessions Judge , Fast Track , 3rd Court at Paschim Medinipur.

Present : **Himika Das Banerjee**

Additional District & Sessions Judge ,
Fast Track, 3rd Court at Paschim
Medinipur.

J.O. Code No. WBO0996

Ref : Criminal Revision No.216 of 2025

(CNR No. WBWM01 002513 2025)

Under Section 438/440 BNSS read with Section 442 BNSS

Challenging the legality / validity of the order dated 03.03.2025 passed by Ld. Executive Magistrate, Sadar, Paschim Medinipur passed in Petition Case No. 236 of 2025 u/s.163 of BNSS.

Sk. Nur Noaj Revisionist

-Vs-

1. Sk. Monwar Ali ...Opposite Party No.1

2. State of West Bengal....Opposite Party no. 2.

Date of delivery of Judgment ; Paschim Medinipur, the 27rd day of July, 2026.

JUDGMENT

The instant revision has been preferred against the order dated 03.03.2025 passed by Ld. Executive Magistrate, Sadar, Paschim Medinipur passed in Petition Case No. 236 of 2025 u/s.163 of BNSS wherein O/C, Keshpur P.S. has been directed to keep close vigil so that no untoward incident occurs over this issue and restrain the OP/members to enter the suit plot of the petitioner and also ensure to stop any kind of construction work made by the OP/members over the suit plot of the petitioner.

The said order has been challenged as the same is illegal, unjust, improper with the facts and circumstances of the case and passed without jurisdiction. The impugned order has been passed without hearing both the parties. Ld. Magistrate should have followed the mandatory provision of law in this regard.

The TCR is received. It appears from the record that the instant Revision was filed on 13.03.2025 and stay was granted on the same day.

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The moot questions that are to be determined are :

1. Whether the order dated 03.03.2025 passed by Ld. Executive Magistrate, Sadar, Paschim Medinipur passed in Petition Case No. 236 of 2025 u/s.163 of BNSS is sustainable or not?
2. Whether revisional judgment can be passed in respect of the order that has lapsed?

None appeared on behalf of the revisionist and hence, revisional application has to be disposed of on merit.

DECISIONS WITH REASONS

All the points are taken up together as they are inter-related.

Order passed u/s.163 BNSS remains valid for two months from the date of issuance of the order and the said period of two months has elapsed long time back since the impugned order has been passed on 03.03.2025.

Hence, the revisional application has become infructuous and is liable to be dismissed.

Hence, it is

Ordered

that the revisional application is hereby dismissed as it has become infructuous.

Typed and corrected by me

Addl. Sessions Judge,
F.T.C-3, Medinipur.
J.O. code WB00996

Addl. Sessions Judge,
F.T.C-3, Medinipur.
J.O. code WB00996

Memo No. Dated : .2026

Copy of order and TCR be forwarded to Ld.
Executive Magistrate, Sadar Paschim Medinipur
for information and taking necessary action.

Addl. Sessions Judge,
F.T.C-3, Midnapore Sadar.

Memo No. Dated :

Copy forwarded to Ld. Executive Magistrate,
Barrackpore for information and taking necessary action.

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Additional Sessions Judge,
F.T.C-1, Barrackpore.