

IN THE COURT OF SESSIONS JUDGE, PURBA BARDHAMAN

Present: Sri Syama Prasad Chattopadhyay (WB01067),
Addl. Sessions Judge, F.T.C. 2nd Court, Burdwan
Sessions Judge-in-Charge, Burdwan

Criminal Revision No.35 of 2026
(CNR –WBBD01-001382-2026)

Apurba Sen & 2 Ors.. Vs. Sandip Kumar Dey & Anr. and
State of West Bengal

Order No.02, dated 30.03.2026.

Record is put up on the prayer of the revisionists who pray for an order to admit the instant revision application and also prays for an order to stay operation of the impugned order passed by the Learned Sub-Divisional Executive Magistrate, Purba Bardhaman on 13.03.2026, in connection with M. P. Case No.355 of 2026 as well as stay all further proceedings of the aforesaid M.P. Case, on the ground of extreme urgency.

It appears that the date 14.05.2026 is fixed for admission hearing of the instant criminal revision.

Having regards to the submission of the Learned Advocate for the revisionist, in the interest of justice, prayer for admission hearing of this criminal revision is allowed.

The dated 14.05.2026 is shifted back to today's list.

Heard the Learned Advocate for the revisionists on the point of admission.

Learned Advocate for the revisionists submits that since the staff of the Learned Executive Magistrate's Court are heavily busy with S.I.R. process, so, in spite of best efforts, Certified Copy of the impugned order could not been ready and a photocopy of the order has been filed along with revisional application. He prays for proceeding further on the basis of the said copy of the order.

Perused the aforesaid impugned order and the revisional application.

It appears that as many as 16(grounds) have been assigned and those are mixed question of law and facts. It is evident that this

criminal revision has been preferred well within the stipulated period of limitation. The instant criminal revision is thus admitted.

Issue notice upon the opposite party nos.1 & 2 in both ways and upon the opposite party no.2/State through Court only.

Put requisites immediately.

To date (**14.05.2026**) for S.R./A.D. and ascertaining contest.

Learned Advocate for the revisionistss moves the instant revision application under Sections 438/440 of the B.N.S.S. directed against the order dated 13.03.2026 passed by the learned Sub-Divisional Executive Magistrate, Purba Bardhaman at Burdwan, in connection with M.P. Case No. 355 of 2026, together with the application praying for staying operation of the impugned order, and submits that the proceedings before the learned Court below was filed under Section 163 of B.N.S. on that day i.e. 13.03.2026 at the instance of the petitioners/opposite party nos.1 & 2 herein and upon hearing the matter, the Learned Court below had directed the I.C. Burdwan P.S. and the B.L. & L.R.O.-I Purba Bardhaman to enquire into the matter and submit report, with a further direction upon the I/C Burdwan P.S. to maintain peace and tranquility over the suit land till the next date i.e., 17.04.2026. It is contended that the provisions of Section 163 of B.N.S.S. has been wrongly invoked as the dispute involved is purely civil in nature relating to title, possession and ownership of immovable property and thus, the Learned Executive Magistrate acted wrongly without jurisdiction. It is further contended that the subject matter of dispute is already pending adjudication before the competent Civil Courts in three proceedings between the parties and the private opposite parties herein, deliberately suppressing such fact of pendency of civil proceedings, have brought that criminal proceedings with an ulterior motives which would result multiplicity of litigation and conflicts of decisions. Ultimaly, Learned Advocate submits that unless the operation of the impugned order and further proceedings of the aforesaid M.P.Case No.355 of 2026 are stayed, the revisionistss shall suffer irreparable loss and injuries and will be prejudiced seriously.

Examined the materials placed on record including the copy of the order dated 13.03.2026, notice issued by Burdwan P.S., certified copy of the order sheet of Misc. (Pre-emption) Case No.22 of 2024, Misc. (Pre-emption) Case No.23 of 2024, and Misc. (Pre-emption) Case No.24 of 2024), L.R.R.OR., Municipal Tax Receipt, and copy of application for

demolition order submitted to Burdwan Municipality, as filed as per list.

Upon hearing the Learned Counsel for the revisionists and upon considering the materials on record including the impugned order, this Court is of the view that the revisionists have prima facie brought forth sufficient grounds warranting to grant the prayer for stay, at least, for a limited period.

Accordingly, let operation of the order dated 13.03.2026 passed by the Learned Sub-Divisional Executive Magistrate, Purba Bardhaman at Burdwan, in M.P. Case No. 355 of 2026 as well as all further proceedings of the said M.P. Case, be stayed till next date.

At this stage, Learned Advocate verbally prays for permission to communicate the order of stay to the concerned party under his letter head.

Considered.

He is at liberty to communicate the fact of granting stay to the concerned party but that should be strictly limited to verbatim reproduct of the operative portion of the stay order.

Appropriate requisites are to be filed immediately, and upon failure to file requisites with applicable process fees, the stay order as above shall stand vacated.

To date.

Dictated & corrected by me

Sessions Judge-I/C.
Purba Bardhaman,

Sessions Judge-in-Charge,
Purba Bardhaman