

IN THE COURT OF SESSIONS JUDGE, PURBA BARDHAMAN

Present: Sri Bimal Kanti Bera (WB00681)
Sessions Judge, Burdwan
District – Purba Bardhaman

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

Apurba Sen & 2 Ors. -:Versus:- Sandip Kumar Dey & Anr. and State of
West Bengal

Order No.6, dated 01.08.026.

The revisionists are absent without any steps.

Contesting opposite party no.1 & 2 have filed hajira.

The learned Advocate for the respondent nos.1 & 2 is present.

None appears on behalf of the revisionists on calls.

In the circumstances, the instant criminal revision is taken up for disposal on merit.

Perused the impugned order.

The instant criminal revision has been directed against the order no.1 dated 13.03.2026, passed by the learned Executive Magistrate, Sadar Burdwan in connection with M.P. Case No.0355 of 2026 under Section 163 of the B.N.S.S. The respondent nos.1 & 2 initiated the said case. The present revisionists have been the opposite parties in the said case. Being aggrieved with the said order, the opposite parties have approached this learned Court.

It appears from the record of the M.P. Case No.0355 of 2026 that the present respondents filed the M.P. Case under Section 163 of the B.N.S.S. stating that they are the owners-in-possession of the property in dispute. They alleged that the present revisionists having no right, title, and interest over the said property in dispute tried to forcibly and illegally encroach upon a portion of the said property by demolishing the common boundary wall. The present respondents being apprehensive of breach of peace and public tranquility approached the learned Executive Magistrate and obtained the impugned order.

It appears from the record of the said M.P. Case that the learned Executive Magistrate by the impugned order directed the I/C Burdwan P.S. and the B.L. & L.R.O., Burdwan-I to enquire into the matter and submit report. The learned Magistrate also directed the I/C Burdwan P.S. to maintain peace and tranquility over the property in dispute.

The revisionist have not specifically stated how the impugned order affected their right, title, and interest, if any, over the property in dispute. Apparently, the order was passed for the sake of public peace and tranquility.

As per Section 438(2) of the B.N.S.S., no revision lies against an interlocutory order. In the instant case when there is no visible injuries sustained by the revisionists by the impugned order, the instant criminal revision is not maintainable. The impugned order of interlocutory in nature.

Hence, it is,-

-: O R D E R E D :-

that the instant criminal revision be and the same is dismissed being not maintainable.

The record of M.P. Case be sent back together with a copy of this order to the concerned Court for information.

Dictated & corrected by me

Sessions Judge,
Purba Bardhaman

Sessions Judge,
Purba Bardhaman