

CRIMINAL REVISION NO. 02 OF 2026
CIS NO. 02 OF 2026
JO CODE WB00784

Order No: 02, dt. 06.03.2026

Revisionist filed hazira through Ld. Advocate.

Today is fixed for hearing of the stay petition filed by the revisionist along with the original revisional application.

Ld. Advocate for the revisionist is present.

Perused the stay petition filed by the revisionist being duly supported by an affidavit.

Heard the Ld. Advocate for the revisionist.

Perused the impugned order passed dt. 02.02.2026 by the Ld. Special Executive Magistrate, Siliguri Police Commissionerate, Siliguri and have also gone through the reports of the BL&LRO submitted in the proceeding before the Ld. Special Executive Magistrate.

The present application u/S. 163 of the BNSS was filed by the present opposite party No. 2 Suresh Kumar Agarwal before the Ld. Special Executive Magistrate, Siliguri Police Commissionerate on 21.10.2024 against the present revisionist and the application filed by the opposite party No. 2 was heard on several dates before the Ld. Special Executive Magistrate and lastly on 02.02.2026 the Ld. Special Executive Magistrate was pleased to pass the order which is under challenge before this Court.

The proceeding continued before the Ld. Special Executive Magistrate since 21.10.2024 till the same was disposed on 02.02.206 and during this pendency of the proceeding there was no serious breach of peace over the issue of the suit property or the case would have become of urgent measure and called for an emergency situation.

I have also gone through the reports of the BL&LRO submitted by the BL&LRO before the Ld. Special Executive Magistrate wherein in none of the reports it has been stated by the BL&LRO that the petitioner in the misc.case before the Ld. Special Executive Magistrate is the sole and absolute owner of the suit property.

Both parties have submitted their documents before the BL&LRO claiming their right in the suit property and in such a situation the observation made by the Ld. Special Executive Magistrate that “In the scheduled land of the petitioner opposite parties are restrained from entering into the scheduled land of the petitioner is without any basis” and for that I find merit in the said stay application filed by the present revisionist.

Stay petition filed by the revisionist is accordingly allowed and it is

Ordered

that the order passed by the Ld. Special Executive Magistrate in the petition case No. 51 of 2025 vide order passed dt. 02.02.2026 restraining the opposite party revisionist from entering into the scheduled land is accordingly stayed until further order.

Stay petition is accordingly disposed of.

Requisites, if any, filed by the revisionist be issued upon the opposite party No. 2 with a direction to appear before the Ld. Additional District and Sessions Judge, 1st Court, Siliguri.

Original revisional application filed by the revisionist be transferred to the Court of Ld. Additional District and Sessions Judge, 1st Court, Siliguri for hearing and disposal.

Dict. & corrected by me

Sd/-
Sessions Judge, Darjeeling(I/C)

Sd/-
Sessions Judge, Darjeeling(I/C)