

IN THE COURT OF THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, FAST TRACK, 2ND COURT, CONTAI

Present: Nuruzzaman Ali,
Additional District and Sessions Judge,
Fast Track 2nd Court, Contai,
Purba Medinipur.

Criminal Revision No.05 of 2018
C.I.S No. 05 of 2018
CNR : WBEMO9000216-2018

Under section 133 read with Sec. 147 of the Cr.P.C

Jhareswar Dinda.....Petitioner/Revisionist
Vs.

Sri Hrishikesh BhuniaOpposite Party No.-1
Sri Ashoke Dinda.....Opposite Party No.-2
The State of West Bengal.....Opposite Party No.-3

Advocates : Advocate for the Revisionist: Sri Santanu Hota
Advocate for the O.P. No. 1: Sri Tarun Sakha Maity
Advocate for the State : Sri Sandip Maity

Judgment delivered on : 07th day of March, 2026

J U D G E M E N T

Order under Revision

This Revision application under section 133 read with Sec. 147 of the Cr.P.C. is directed against the findings and order dated 24/01/2018 passed by Ld. S.D.E.M at Contai Purba Medinipur in Misc. case number 255/2015.

Ld. Trial Court held as follows :-

“ Hence proceeding is hereby drawn up against the O.P.s and ordered- O.P.s are directed to remove the obstruction made by them at plot no. 42 under Chakgobindapur mouza within 15 days from the date of communication of this order or to show-cause appearing before me on 26.02.2018 at 1.00 p.m as to why this order will not be made absolute”.

Background of the Revision Application

Ld. SDEM, Contai had allowed the petition U/Sce. 133 read with Sec. 147 of the Cr.P.C filed by the O.P/petitioner as there was dispute regarding the ownership and possession of the suit property in plot no. 30 under mouza Chak Gobindabera P.S.-Contai.

Grounds for Revision

For that the order passed to the Ld. Trial Court not only bad in law, but also self contradictory and full of surmise and conjectures.

For that the Ld. Court below did not or could not appreciate the pleadings of the parties along with the documents adduced by the present petitioner and also report submitted by the I.C. Contai P.S and B.L. & L.R.O Contai-II.

For that the trial court below processed the case without considering the evidence and also present situation of the suit plot and passed erroneous order which was illegal and bad in law.

For that the Ld. Trial court should have considered the pleadings of the O.P. No.2 of Misc. Case no. 255/15.

For that the Ld. Court below did not or could not follow the fact and circumstances of the present situation of the schedule property. The petitioner of Misc. Case No. 255/15 filed this Misc. case for removal of obstruction in front of his suit property. From the searching of the schedule property it was seen that the said Hrishikesh Bhunia had a shop upon the schedule property measuring 04 decimals and in front of the shop there was no obstruction at all. The said Hrishikesh Bhunia filed Misc. case in relation to 01 decimal of land for plot no. 30 under mouza Chak Gobindabera P.S.Contai. There was no obstruction in front of the land of Hrishikesh Bhunia. The O.P of Misc. Case no. 255/15 i.e. the present petitioner had a furniture shop in another place. The schedule land of Misc. Case no. 255/15 is unpartitioned and there was no demarcation of land of said respondent and the O.P No.2 of Misc. Case -255/15 being influenced by the petitioner Sri Hrishikesh Bhunia had filed a petition for removing the obstruction in front of the petitioner's property and it was illegal, baseless and collusive.

For that the findings of the Ld. Court below was illegal, unlawful, baseless, without jurisdiction and against the principles of nature justice law and equity.

For that the others grounds will be urged at the time of hearing.

For that the order was either liable to be set aside or modified.

For that the court below failed to give the appropriate relief/reliefs to the settlement for the ends of justice.

For that the trial court could not apply his judicial mind at all while the passing the impugned order. The furniture shop of the said petitioner was the only source of income of his family and also petitioner of Misc. Case no. 255/15 also built the pucca house over the suit property at the time of this misc. case. So it was clear that the petitioner had alternative road to going to the suit property and there was no obstruction in front of his house.

For that the Ld. Court below had passed the impugned order from the wrong angle which caused miscarriage at justice and cannot be said to be sustainable in law.

Under the above circumstances, the said petitioner most respectfully and humbly prayd that the revisional application may be admitted and also prayed for setting aside the impugned order.

The Revisionist Case :

The revisionist stated that the petitioner of the Misc. case no. 255/15 had filed the Misc. case for removal of obstruction in front of his house over the suit property in plot no.30 under Chak Gobind- abera P.S.-Contai. Ld. Trial court had given the order in favour of the petitioner though there was no obstruction in front of the house.

Contentions of the Opposite Party no 1

Ld. Advocate did not appear to argue the case.

Contentions of the Opposite Party no 3/State

Ld. P.P.-in-charge argued that the Ld. Trial court had passed the order rightly and the instant revision was liable to be dismissed.

Contentions of the Ld. Advocate for the Revisionist

Ld. Advocate for the revisionist did not appear before the court to argue the case.

Decision with reasons :

Hd. Ld. Advocate for the state and perused materials on record. After perusal and hearing it appears that the O.P.s/petitioners had contended that the revisionist had obstructed the front portion of his shop and house situated over the suit property i.e. plot no.30 under mouza Chak Gobindapur P.S.-Contai. The O.P had filed the Misc. case being no. 255/15 U/Sec. 133 read with Sec. 147 Cr.P.C. on 18.06.2015. Ld. Trial court after taking oral evidence and documentary evidence from both the parties and after hearing both the parties had passed a reasoned order on 24.01.2018 for the removal of obstruction. Thus, there is no question regarding the fact that there was no illegality in the order passed by the Ld. Trial court as the removal of obstruction was necessary in the interest of justice. Therefore, no interference is desirable.

Criminal revision is liable to be dismissed.

Hence, it is

ORDERED

that the criminal revision be and the same is dismissed on contest.

The impugned order dated 24/01/2018 recorded and passed by Ld. S.D.E.M, at Contai Purba Medinipur in Misc. case number 255/2015 stands affirmed.

The L.C.R alongwith the copy of this judgment be sent to the Ld. Trial Court at once for information.

Note in the C.I.S and relevant registers.

D/C by me

A.D.J
F.T 2nd Court, Contai

Additional District and Sessions Judge
Fast Track, 2nd Court, Contai