

Criminal Revision No. 46 of 2022

CNR No. WBJP01 – 000875 – 2022

Order No. 02, Dated - 04.03.2022,

The record is taken up for admission hearing.

Perused the office report wherefrom it appears that the instant revision is filed within time and duly stamped.

The instant revisional application has been preferred against the order dt. 25.02.2022 passed by the learned Executive Magistrate (Sadar), Jalpaiguri, in Ptn/R No. 211/2022, u/s.144 of the Criminal Procedure Code.

Heard. Considered.

Let the revision be admitted.

Learned counsel moves the prayer for interim stay of the impugned order dated 25.02.2022.

The learned counsel submits that the present petitioner is the rightful owner of the land in question which is specifically mentioned in the schedule to the application u/s.144 of the Code of Criminal Procedure. He further submits that the on the very first date learned Executive Magistrate although called for report from the concerned B.L&L.R.O regarding possession of the suit land but at the same time without waiting for such report or without having any subjective satisfaction, the learned Magistrate has passed a promulgatory order which is beyond the scope of his jurisdiction.

Heard. Considered.

Having regard to the ground cited by the learned Magistrate in passing the impugned order, I find an interim order of stay on the operation of the impugned order would sub-serve justice. Accordingly, the prayer for interim stay of the impugned order stands allowed. The interim stay shall remain effective till 21.03.2022.

Let the instant Criminal Revision be transferred to the Court of learned Additional Sessions Judge, 1st Court, Jalpaiguri, for disposal.

Fix 21.03.2022 for appearance before the transferee court.

Petitioner is directed to file requisites before the transferee court in the meantime.

Let a copy of this order be sent to the learned Executive Magistrate (Sadar), Jalpaiguri for information and taking necessary action.

Dictated & corrected by me,

**Sessions Judge, Jalpaiguri
(in-charge)**

**Sessions Judge, Jalpaiguri
(in-charge)**