

Criminal Motion No. 12 of 2026

Order No. 02 dt. 10-03-2026

Date is fixed for admission hearing of the instant criminal motion.

Ld. Advocate for the petitioner filed a petition praying for stay of the impugned order dated 03-01-2026 along with copy of notice.

Ld. Advocate for the petitioner filed a petition supported with affidavit stating that the net copy of impugned order dated 03-01-2026 passed by Ld. A.C.J.M., Nadia at Krishnagar in connection with the instant criminal revision is true copy.

Heard Ld. Advocate for the petitioner as well as Ld. P.P.

It appears from the net copy of the impugned order challenged in this revisional application was passed on 03-01-2026, by Ld. Additional Chief Judicial Magistrate, Nadia at Krishnagar, in connection with Complaint case being Misc. CrI case no. 911 of 2024, under section 14(1) of the SARFAESI Act and this revisional application was filed on 09-03-2026. Therefore, there is no doubt that the instant revisional application has been filed well within the prescribed statutory period of limitation. Therefore, there is no impediment in admitting the same. Hence, the instant revisional application is admitted.

Now the petition filed today praying for stay of the impugned order is taken up for hearing.

Pending disposal of the revisional application, the petitioner has also filed an application praying for interim stay of operation of order dated 03-01-2026 passed by Ld. Additional Chief Judicial Magistrate, Krishnagar, Nadia.

I have heard Ld. Advocate for the revisionist. It appears that legality and propriety of order dated 03-01-2026 has been challenged by the petitioner. According to the order dated 03-01-2026

“the petitioner is given liberty to take possession of the secured asset more specifically and fully mentioned in the schedule of the application of the petitioner.”

It appears from the record that as per order of Ld. A.C.J.M., Nadia at Krishnagar, a 14 days notice has already been served upon the revisionist and the date of taking over possession of the immovable property is on 13-03-2026. Therefore, there is every possibility that the order of Ld. Additional Chief Judicial Magistrate passed in connection with Misc. CrI. Case no. 911 of 2024 would be executed

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pending disposal of this revisional application, in which case the revisional application itself would become infructuous and/or immaterial.

Therefore, in the interest of justice an interim stay of 16 days, till 27-03-2026 upon the impugned order should be there.

Hence, it is **ordered**, that let the operation of the impugned order dated 03-01-2026 passed by Ld. A.C.J.M. Krishnagar Nadia, in connection with Misc. CrI. case no. 911 of 2024 under section 14(1) of the SARFAESI Act, be stayed till 27-03-2026.

Let a copy of this order be sent to the Ld. A.C.J.M., Nadia at Krishnagar for information and for taking necessary action.

Call for L.C.R.

Issue notice upon O.P. no. 1.

Fix 27-03-2026 for S.R. and L.C.R.

Dictated and corrected by me

Sd/- Debdeep Manna
Sessions Judge, Nadia
In-Charge
10-03-2026

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Sessions Judge, Nadia.
in-Charge
10-03-2026