

CRIMINAL MOTION NO 167 of 2024

Present : Sri Amitabha Das , J.O. Code -WB00926

Addl. Dist. & Sessions Judge,  
Fast Track, 1st Court  
Diamond Harbour.

Order No. 07/ Date : 16.03.2026

Today the Revisionist is absent without any steps. It appears from the record that no show cause was filed by the revisionist, even after repeated opportunities were granted to the Revisionist. The notice is yet to be served upon the Respondent. The Petitioner has been absent without any steps since 07.08.2025 for the last three dates. The record is therefore taken up to pass the final order.

The instant proceeding is a proceeding u/s 397/399 Cr. P.C. in which the legality and correctness of the impugned order dt. 01.04.2024 passed by the Ld. Sub Divisional Executive Magistrate, Diamond Harbour in a proceeding u/s 144(2) Cr.P.C. registered as MF case no 699/2024, has been challenged by the petitioner being the second party to the impugned proceeding. The record is accordingly taken up for adjudicating the correctness of the impugned order dt. 01.04.2024 passed by the Ld. Sub-Divisional Executive Magistrate, Diamond Harbour in the proceeding u/s 144(2) Cr.P.C. registered as MF case No. 699/2024.

As a matter of fact by the impugned order Ld. Sub-Divisional Executive Magistrate, Diamond Harbour has restrained the Opposite parties from changing the nature and character of the disputed property. Needless to say, the order impugned by reason of its nature has already lost its force. Besides it is apparent on perusal of the impugned order that while passing the said order Ld. Executive Magistrate has restrained the Opposite parties from changing nature and character of the suit land so that peace and tranquility can be maintained over the disputed land but did not call for any report to ascertain whether the petitioner is at all in possession of the property. The alleged report was subsequently called. I therefore find no reason to interfere with the order passed by the Ld Court as the Ld Court as per the provision of S 144 CrPC has every right to pass an order to prevent breach of peace. Thus, the order impugned leaves no room for any interference by the court, as the Ld Court has acted reasonably with the sole intention of preventing any breach of the peace. As a result, the present Revision Application fails.

Hence it is,

**ORDERED**

That the instant Criminal Motion be and the same is hereby dismissed but without any order as to costs. The impugned order dt. 01.04.2024 passed by the Ld. Sub Divisional Executive Magistrate, Diamond Harbour in the proceeding u/s 144 (2) Cr. P.C. registered as MF case No 699/2024, is hereby affirmed. The stay order, if any, stands vacated.

Let a copy of this order be sent to the Ld. Court below for information and taking necessary action. The Present Revision Stands disposed of.

Sd/-  
Addl. Dist. & Sessions Judge Fast Track,  
1st Court, Diamond Harbour