

**IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE**

**FAST TRACK COURT-II, PASCHIM MEDINIPUR.**

**Present: Smt. Jhilom Gupta (J.O Code WB00963)  
Addl. Sessions Judge,  
F.T.C.-II, Paschim Medinipur.**

**Criminal revision no: 501/2026 (Reg No. 501/2026)  
(CNR WBWM01-006487-2026)**

**Ref:** Revision against the order dated 19.06.2026 passed by Ld.  
Executive Magistrate, Sadar, Paschim Medinipur in connection with petition  
case no. 558/2026.

1) Mahendra Hembram .....Petitioner/Revisionist

-: Versus :-

1) Sanjib Acharya

2) The State of West Bengal..... Opposite parties

**Dated:- Paschim Medinipur, 11<sup>th</sup> day of August , 2026**

**J-U-D-G-E-M-E-N-T**

As the impugned order passed by Ld. Executive Magistrate, Sadar,  
Paschim Medinipur dated: 19.06.2026 is under scanner in connection with the instant  
criminal revision, the facts of petition case no. 558/2026 are to be summarized in

D/C by me.

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order to discuss those facts in the light of the materials of record and the submissions made by the Ld. Lawyer of the petitioner in order to substantiate his contentions set forth in the instant revisional application filed by the petitioner.

The present revision is preferred by the petitioner/ revisionist, Mahendra Hembram against the order dated 19.06.2026 passed by Ld. Executive Magistrate, Sadar, Paschim Medinipur, in connection with petition case no. 558/2026.

The revisionist preferred the instant revision in respect of the impugned order passed by Ld. Executive Magistrate, Sadar, Paschim Medinipur on the following grounds :-

“A. The order of the Ld. Magistrate is wrong, illegal, unjust and improper with the facts and circumstances of this case.

B. Ld. Magistrate is based upon surmise conjecture and without basis.

C. Ld. Magistrate has passed the impugned order without hearing both the parties of this case and without considering the facts and circumstances of this case caused failure of justice.

D. Ld. Magistrate has passed the impugned order without applying his judicial mind as the schedule property referred in the petition u/s 163 BNSS filed by the O.P.”

Perused the case record.

The impugned order runs as follows :-

“Seen the petition u/s 163 BNSS filed by Sanjiib Acharya, S/o Lt. Amulya Acharya, village- Sundarpur, P.S Salboni, Dist- Paschim Medinipur.

Heard the submission of the Ld. Advocate for the petitioner. Perused the case records and documents submitted by the petitioner. Considered. Sought for report from B.L & L.R.O, Salboni and I.C Salboni P.S by the date fixed hereunder.

D/C by me.

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In the meantime , to avoid any breach of peace, I.C Salboni P.S is directed to keep close vigil so that no untoward incident occurs over this issue and restrain the O.P to enter the suit land of the petitioner and also ensure to stop any kind of illegal construction work made by anyone over the mentioned suit plot on the plaint till disposal of the case.”

An Executive Magistrate is entitled to pass an ex parte order under this Section in cases of emergency or in cases where the circumstances do not admit of the service or notification of order u/s 153 of BNSS in due time, upon the person against whom the order is directed.

In the instant case no such emergent situation or imminent danger, has been reflected in the impugned order passed by Ld. Executive Magistrate, Sadar, Paschim Medinipur dt. 19.06.2026.

In absence of any emergency or imminent danger, the order of Magistrate is without jurisdiction.

On scrutiny of the impugned order I find nothing which has compelled the Ld. Magistrate to pass the ex parte order over the issue. The power vested upon Ld. Executive Magistrate, Sadar, Paschim Medinipur has been exercised in a very casual and mechanical manner. Be it mentioned here that there must be materials in the order passed by Ld. Executive Magistrate to show that the situation had become so grave that it required immediate action of the Ld. Magistrate to prevent the breach of peace.

Moreover, no order under this Section shall remain in force for more than two months unless the State Govt. extends the order for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification

Perusal of the impugned order reveals that it was passed on 19.06.2026. Accordingly, it becomes clear that the impugned order is no longer in force and hence, there is no scope to interfere with the impugned order at present, because it has become nonest in the meantime.

D/C by me.

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Hence, it is,

**ORDERED**

that the instant Criminal revisional being no. 501/2026 be and the same is disposed of on contest being redundant. Interim order, if any, stands vacated.

Let a copy of this order be sent to Ld. Executive Magistrate, Sadar, Paschim Medinipur.

Dictated and Corrected by me

Additional District & Sessions Judge  
Fast Track Court-II,  
Paschim Medinipur.

Additional District & Sessions Judge  
Fast Track Court-II,  
Paschim Medinipur.

D/C by me.

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