

## **CRIMINAL REVISION**

Present: **The Hon'ble Justice Ashim Kumar Roy**  
***C.R.R. No. 798 of 2010***  
**Judgment On: 31-03-2010.**

***Bimal Mukherjee @ Halder***  
***versus***  
***The State of West Bengal & Anr.***

### **POINTS:**

REPORT CALLED FOR -Learned Executive Magistrate called for a report from the Block Land & Land Reforms Officer- Whether interlocutory order-The order whether revisable- Code of Criminal Procedure, 1973 Ss.144, 397(2)

### **FACTS:**

The subject matter of challenge is an order passed in connection with a proceeding under Section 144 (2) of the Code of Criminal Procedure. The Learned Executive Magistrate, called for a report from the Block Land & Land Reforms Officer, and directed the Officer-in-Charge of Bhangore Police Station to maintain peace and tranquility.

### **HELD:**

The Learned Executive Magistrate, called for a report from the Block Land & Land Reforms Officer, Bhangore-I, and directed the Officer-in-Charge of Bhangore Police Station to maintain peace and tranquility. Mere calling for a report from a statutory authority in connection with a proceeding under Section 144 of the Code is purely an interlocutory order and entertainment of any revision against such an order is strictly prohibited under Section 397 (2) of the Code of Criminal Procedure. So far as the order whereby the Officer-in-Charge, has been directed to maintain peace and tranquility in the locality is an order whereby the police have been directed to perform their statutory duties.

Para-1

Petitioner: Mr. Ramdulal Manna  
Mr. Basudeb Bag

### **THE COURT:**

1. The subject matter of challenge is an order passed in connection with a proceeding under Section 144 (2) of the Code of Criminal Procedure. It appears from the perusal of the impugned order that upon consideration of the said application, the Learned Executive Magistrate, Baruipur, South 24-Parganas, called for a report from the Block Land & Land Reforms Officer, Bhangore-I, and directed the Officer-in-Charge of Bhangore Police Station to maintain peace and tranquility. Mere calling for a report from

a statutory authority in connection with a proceeding under Section 144 of the Code is purely an inter locutory order and entertainment of any revision against such an order is strictly prohibited under Section 397 (2) of the Code of Criminal Procedure. So far as the order whereby the Officer-in-Charge, Bhangore Police Station, has been directed to maintain peace and tranquility in the locality is an order whereby the police have been directed to perform their statutory duties, there I do not find any wrong.

2. However, I find that no direction has been given for service of the notice upon the present petitioner. Therefore, the Court concerned is directed to serve the necessary notice upon the petitioner for his appearance in the Court.

3. It is further directed that the Learned Magistrate shall make all endeavours to conclude the impugned proceeding as expeditiously as possible preferably within two weeks from the date of communication of this order.

4. The petitioner shall have the liberty to file an application in terms of the provisions of Section 144 (5) of the Code of Criminal Procedure and it is directed the Learned Magistrate shall consider the same in accordance with law.

5. This application is, thus, disposed of.

6. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgment to the parties, if applied for, as early as possible.

**( Ashim Kumar Roy, J. )**