

**IN THE COURT OF CHIEF JUDGE, CITY SESSIONS COURT,
CALCUTTA**

Present: Sri Sudipta Kumar De

J.O. CODE NO.WB01136

Chief Judge,

City Sessions Court, Calcutta

Criminal Revision No. 280 of 2025

CNR–WBCS01-000802-2025

Md. Sayeed Khan

..... Revisionist/Petitioner

Vs

1. State of West Bengal

2. Kolkata Municipal Corporation

.....Opposite Party

Ld. Advocate for the revisionist: Biswaroop Sengupta

Ld. Advocate for the Opposite party no. 1/The State: Amitava Adhikary

Ld. Advocate for the Opposite party no.2/KMC: Anil Sharma

Date of delivery of Judgment on this 17th day of July, 2026

J U D G M E N T

1. The instant Revision has been filed under section 440 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to section 399 of the Code of Criminal Procedure, 1973) by the revisionist challenging the order dated

04.09.2025 passed by the Learned Municipal Magistrate, 4th Court, Calcutta in connection with case being no. GR/410/2021.

2. On the allegation of making unauthorized construction, the FIR was lodged against the accused persons being Ekbalpore PS Case no. 107 dated 22.03.2019 and after completion of investigation, final report was submitted u/s 401A of the KMC Act and subsequently, the trial commenced. After completion of the trial, the record was fixed for delivery of judgment and in the meanwhile, vide order dated 18.01.2024, Ld. Trial Magistrate has issued notice upon the revisionist to face the charge along with the accused persons and thereafter, he appeared before the Ld. Trial Court and obtained bail. Subsequently, on 04.09.2025 Ld. Trial Magistrate has issued Warrant of Arrest against the revisionist/accused for non-appearance there.
3. Being aggrieved by and dissatisfied with the said order, the instant Revision has been preferred by the revisionists on the grounds that –
 - i. in the impugned case the enquiry or the trial was concluded and it was at the stage of delivery of judgment and as such, section 319 of the Cr.P.C. cannot be invoked upon him;
 - ii. he intends to contest the case before the Ld. Trial Court and there are no intention latches on his part; and
 - iii. unless the impugned order is set aside, he will suffer irreparable loss and injury.
4. All that now requires to be considered is whether the Learned Magistrate was justified in passing the impugned order.

Decision with reasons

5. Learned Advocate appearing for the revisionist submitted that the enquiry/trial in the impugned case has concluded and the matter is at the stage of delivery of judgment, so Section 319 of the Criminal Procedure

Code cannot be invoked against him. He also submitted that he intends to contest the case before the learned trial court and has no intention of evading process and that although a warrant of arrest has been issued against him, he apprehends that if he surrenders he may be taken into custody, which would cause serious prejudice to him and his family and that unless the impugned order is set aside, he will suffer irreparable loss and injury, and therefore he seeks this revision to quash the order and for such relief as this Court may deem fit.

6. Ld. Prosecutor representing the OP no.1/State prayed for passing necessary order.
7. Ld. Advocate representing the OP no.2/KMC submitted that the trial in the impugned case has been stalled and that there will be no objection to recall the warrant issued against the accused at this stage, as doing so would be beneficial to the continuation of the trial and further proceedings. He left the matter to discretion of the Court and prayed for necessary orders.
8. Considered.
9. It transpires from the record that by order dated 18.01.2024, the Ld. Trial Magistrate found materials with regard to the involvement of the present accused, revisionist herein, being the promoter and thereafter, before proceeding further for delivery of judgment, found it expedient to exercise his power under Section 319 of the Cr.P.C. to summon the present petitioner to appear before the Court to face the charge along with the other accused persons. Accordingly, the petitioner voluntarily surrendered before the Ld.

Trial Magistrate on 12.02.2025 and was bailed out upon furnishing bond with sureties on the same day. However, the accused again stopped taking steps and the Ld. Magistrate, by order dated 07.08.2025, issued warrant of arrest against him. The accused again surrendered before the Court on 19.08.2025 and was again bailed out. But unfortunately, again he stopped taking steps and on 04.09.2025, by the impugned order, the warrant of arrest was issued for the third time.

10. Considering the entire scenario, the Court, upon appreciation of the conduct of the accused, is of the opinion that there is no illegality or irregularity in the order impugned and the accused person is bound to cooperate with the trial and instant revision is nothing but a ploy to dislocate the trial before the Ld. Trial Magistrate.
11. In view of the above, this Court finds nothing to interfere with the order impugned.
12. Hence, it is,

ORDERED

that the instant Criminal Revision be and the same is **dismissed** on contest without any order as to costs.

The impugned order dated 04.09.2025 passed by the Learned Municipal Magistrate, 4th Court, Calcutta in connection with case being no. GR/410/2021 is hereby **affirmed**.

The accused person is strictly directed to surrender before the Ld. Municipal Magistrate, 4th Court, Calcutta within 15 days of passing of this order, failing

which the Ld. Magistrate shall be at liberty to take all necessary coercive measures in accordance with law.

The accused/revisionist is further directed to appear before the Ld. Trial Magistrate on each and every date to be fixed in case being no. GR/410/2021.

Stay order, if any, stands vacated.

Let a copy of this judgment along with the TCR be sent back to the Court concerned.

Dictated & Corrected by me

Sd/-

Chief Judge
City Sessions Court, Calcutta

Sd/-

Chief Judge
City Sessions Court, Calcutta