

In the Court of the Senior Municipal Magistrate

Kolkata

Present :

Smt. Reshmi Das

J O Code UID No.-WB01253

Senior Municipal Magistrate,

Kolkata, Dist.- Kolkata

GR Case no. 73 of 2023

CNR no. WBCS03-000127-2023

Sinhi P.S case no. 19 dated 04-03-2021

U/s 401(A), KMC Act

State

Vs.

Jiyalal Jaiswal @ Rakesh Jaiswal

Order no. 31

06-06-2024

Today is fixed for appearance of the I.O of this case with CD.

The accused is absent.

The I.O is personally present before the Court along with CD and files a report in this regard.

Let the report be kept with record.

Ld. A.P.P is present before the Court.

Ld. A.P.P stated that the I.O of this case has been filed charge sheet being no. 09 of 2023 dated 01-03-2023 without complying of section 620 of Kolkata Municipal Corporation Act, 1980 and prayed for passing necessary order.

Perused the report of the I.O. By the report, I.O stated that total investigation of this case was done by S.I, Debasish Chakraborty and after the transfer of Investigating Officer, as per order of superior officer, he filed charge sheet in this case and prayed for passing necessary order.

It appears that this case was recorded on 04.03.2021 upon the order passed by the Ld. M.M 2nd Court, Calcutta dated 06.01.2021. At that time a specific case being Sinhi P.S case no. 19 dated 04-03-2021 u/s 401A KMC Act was started. As per KMC rules it is mandatory to cause an inspection at the premises and lodge official complaint in compliance of section 620 of the KMC Act, 1980, **in case of detection of any kind of unauthorized construction at the case premises**. But in this case no official complaint has been lodged by Assistant Engineer of concerned Borough, KMC rather, the I.O of this case has been filed charge sheet.

Accordingly, in consideration of the above mentioned observations, this Court is of the view that further investigation is required to be made in connection with this case.

Accordingly, O.C, Sinhi P.S is directed to cause further investigation in this case through an officer of his choice and submit report of investigation positively before this Court on the next date.

The case docket is returned to the I.O to place the same before such officer who is going to conduct further investigation in this case.

While, this Court appreciates the observations made by Ld. Assistant Public Prosecutor regarding the manner in which the investigation should proceed, however, in consideration of the fact that this Court does not have the mandate to direct the manner in which the investigation should be carried out, this Court is not inclined to pass any directions in that line.

All concerned are directed to act upon a copy of this order.

Let a copy of this order be sent to O.C, Sinhi P.S for compliance.

To 15-07-2024 fr submission of report of investigation and necessary orders.

D/C by me

Senior Municipal Magistrate,
Kolkata, Dist.- Kolkata.

Senior Municipal Magistrate,
Kolkata, Dist.- Kolkata