

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
Case no. 1567 of 2016
CNR no. WBCS03-001578-2016

State
Vs.
Md. Rahim and others

Order dated
11-02-2025

Today is fixed for passing order in respect to the petition dated 26.11.24 filed by the accused persons under section 239 Cr.P.C. read with section 245(2) Cr.P.C.

The instant petition is taken up for passing order. The brief fact of the petition is that previously another complaint was lodged by the KMC officials against the same accused persons in connection with the same case premises being Ekbalpore P.S. Case No. 505 dated 13.08.2016 and it was registered as M/F 496 of 2016 which was transferred to the Court of Ld. Municipal Magistrate, 3rd Court, Calcutta. After completion of trial in connection with the above mentioned case record, judgment was passed by the Trial Court on 10.05.18. It is the claim of the accused persons that already the accused has been tried and convicted of the same offence and therefore he has prayed for discharge from this case by filing this instant petition.

Considered the facts and circumstances of the instant case. Perused the instant petition and all the materials on record. The accused/petitioners have not submitted certified copies of the judgment and order passed in connection with M/F No. 496 of 2016 as well as the exhibited documents in that case. In dearth of such documents it is not possible for this Court to come to the conclusion as to whether the accused persons/petitioners was previously tried in connection with same offence involving same case premises or not. Moreover, the evidence on part of the prosecution has already been concluded and the accused persons will get opportunity to adduce evidence, if so willing. Therefore, in view of the above discussion the instant petition is considered and rejected as this stage being premature and not supported by sufficient documents.

Fix 13-03-2025 for examination of the accused u/s 313 Cr.P.C.

D/C by me

Senior Municipal Magistrate,
Kolkata, Dist.- Kolkata.

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