

GR Case No. 60 of 2025

CHARGE WITH HEADS

[No. XXVIII (II), SCHEDULE V, Act V, 1998]

(Sections 244, 245, 246 of BNSS 2023)

(1) Name and office of Magistrate, &c. I, Sneha Basu, Municipal Magistrate, 2nd Court, Calcutta do hereby

charge you⁽²⁾ 1) Hafizul Haque

2) S.M. Rafi Alam

(2) Name of accused person as follows:

That sometime on or before 08.08.2024 you had made an unauthorised construction at No.43B, Tiljala Road, Ward No. 65, Borough – VII, Kolkata, without any sanction plan from concerned authority, which may endanger human life, create fire hazards and disrupt of sewerage system.

Further, all of you had made the construction defying notice from the KMC authorities and you have continued the construction in spite of stop work notice.

(3) My cognizance or the cognizance of the Court of Session. and thereby committed an offence punishable under **Section 401A read with Section 392/610 read with Section 618** of the Kolkata Municipal Corporation Act and within the cognizance of this Court.⁽³⁾

(4) In cases tried by Magistrate, omit “by the said Court.” And I hereby direct that you be tried ⁽⁴⁾ by the said Court on the said charge.

Contents of the charge is read over and explained to the accused persons. On being asked, the accused persons, pleaded not guilty by saying “Ami nirdosh” and claimed to be tried.

Dated this 15th day of July, 2025

Municipal Magistrate
2nd Court, Calcutta

In the Court of Municipal Magistrate 2nd Court, Calcutta.
Present : Sneha Basu, (J.O Code No. WB1437)
GR Case No.60 of 2025
C.N.R No. WBCS03-000078 2025

Order dated 15.07.2025 :-

Today is fixed for production of accused No. 1 and appearance of the accused No. 2

LD. APP is present.

Both the accused are present today by filing hazira along with their Ld. Advocate.

Ld. Counsel for the accused files a petition and prays for confirmation of AI bail.

Considered & allowed.

Hence, AI bail of both the accused are **confirmed**.

The copies of police report and relevant documents or relevant extract thereof forwarded to this court with the police report under section 193 of the BNSS 2023 are furnishing to the accused, free of cost, in accordance with the provisions of section of the 230 of the BNSS 2023.

Case record is taken up for framing of charge on the request of Ld. Defence counsel.

Charge is framed under Section 392/610/618 & 401A of KMC Act

The case record is taken up for consideration of charge.

I have heard the submission of Ld. counsels for the parties, Perused the C.D, FIR, C/S along with other relevant materials. On perusal, it appears that there are prima facie materials for framing addition of charge against the accused persons for the Offence punishable u/s 392/610/618 & 401A of KMC Act.

Accordingly, the charge is framed against the accused persons for the Offence punishable u/s 392/610/618 & 401A of KMC Act The charge is written over in a separate prescribed form of charge , which is kept with the C/R.

Now, the content of charge is read over and explained to the accused person to the effect that you being the P/R made an unauthorized construction without any sanctioned plan to which the accused person replied and pleaded as not guilty by saying “Ami Nirdosh” and claimed to be tried. As a result, trial ensues.

Issue summons upon witness CSW – 1 & CSW - 2

To 09.09.2025 for evidence.

Municipal Magistrate,
2nd Court, Calcutta.