

In the Court of Municipal Magistrate, 2nd Court, Calcutta
Present : Sneha Basu (JO Code No. WB-01437)
Crl. Misc. Case No. 2180 of 2016
(Arising out of Ekbalpore PS FIR No.534 dated 26-12-2021)
State Vs Raisa Khatoon & ors.

Order Dated : 29-05-2023

Today is fixed for submission of final report.

Present : Ld. APP for the state.

It appears from the case record final report has already been submitted in the form of charge sheet u/s 173 cr.p.c. on 17-05-2023 being Charge No. 99 of 2023 dated 01.03.2023.

A perusal of the case record reflects the following significant observations which this court must highlight.

The proceeding were stopped under section 258 of cr.p.c. in the instant case record being Crl. Misc. Case No. 2180 of of 2016 as per Section 618 of the Kolkata Municipal Corporation Act vide order order dated. 16-09-2021

Subsequently, my Ld. Predecessor in Office had recorded the observation that "I find that the cognizable offence has been committed due to unauthorized construction at 17A/H/4, Mominpur Road, Kolkata 23 Police station Ekbalpore which is entered into GDE no. 316 dated 04-09-2016 of Ekbalpore P.S."

Thereafter, vide order dated 04.03.2021 this court had directed "Accordingly, Officer in Charge of Ekbalpore Police Station is hereby directed to lodge FIR by treating GDE no. 316 dated 04-09-2016 of Ekbalpore P.S. as complaint."

Thereafter FIR being Ekbalpore police case no. 534 dated 26-12-2021 was registered.

I have taken charge of this court on 18.11.2022.

It is found that the instant case was disposed of in CIS on 16-09-2021, after the proceedings were stopped. But, as per the direction of my Ld. Predecessor in Office, subsequent proceedings have taken place, FIR has been registered and charge sheet was filed on 17-05-2023

Therefore, this court opines that it is important that the instant case record is restored in the CIS, as proceedings are currently on-going in the case record.

Later,

The instant case is restored in CIS.

The investigating officer has filed a charge sheet being no. 117 of 2022 and accordingly, cognizance is taken against accused persons.

Perused the final report

Accused persons are absconding

Hence, issue W/A against accused persons

Fix 19-07-2023 for E/R and appearance

Municipal Magistrate
2nd Court, Calcutta