

IN THE COURT OF THE MUNICIPAL MAGISTRATE, 3rd COURT, CALCUTTA

Present: Shri Sourav Roy.

(JO Code – WB1257)

Criminal Misc Case No. 2738/2016

CNR – WBCS03-002821-2016

The State of West Bengal

v.

Kapileswar Mondal.

Shri Somraj Dhar

- Ld. Assistant Public Prosecutor.

Smt. Nandini Bhattacharyam & Mst. Kohinoor Begum

- Ld. Counsels for the Defense.

- ORDER SHEET -

| Serial No. of Order | Date | Order with signature of the Magistrate | Office note as to action taken on order (if any) and date |
|---------------------|------------|--|---|
| | 22.08.2023 | <p>Today the record is fixed for evidence and necessary orders. Both parties are present. Accused person is present before this court.</p> <p>On perusal of the case record, it transpires that the charge sheet in this case record after investigation was filed on 28.03.2019. Thereafter, on 18.02.2020 charge was framed in this case record against the accused person and evidence commenced on 22.01.2021. On 26.07.2022 after conclusion of evidence of 04 of the 06 witnesses mentioned in the charge sheet, the case record was fixed for examination of the accused person u/s 313 Cr.P.C.</p> <p>On 22.11.2022, the case record was for the first time placed before the present Presiding Officer after his joining in this court. On 22.11.2022, when the case record was fixed for examination of the accused person u/s. 313 CrPC, it transpired that the deposition sheet of CSW-02 (PW-01) could not be found in the case record. Accordingly, a report was called from the Head Comparing Clerk, Copying Department, Municipal Magistrate Court, Calcutta as to whether any copy of the said deposition sheet has been applied for. Report to that effect was received by this court on 06.01.2023 where from it transpires that no such copy of deposition sheet has been prayed by the defence in connection with this case.</p> <p>Given the facts and circumstances of the case, this court is of the view that prior to proceeding with this case record, reconstruction of the same is required to be done, which suggests fixation of responsibility as to during whose tenure the said deposition sheet went missing.</p> <p>In the aforementioned premises, this court finds it is fit to report the matter before the Ld. Chief Judge, City Sessions Court, Calcutta seeking further instructions and permission for reconstruction of the case record.</p> <p><u>Let a copy of this order along with a forwarding letter be forwarded to Ld. Chief Judge, City Sessions Court, Calcutta seeking his instructions.</u></p> <p>Bench Clerk-II to comply. To 22.11.2023 for awaiting instructions and further orders. D & C by me,</p> <p align="center">Municipal Magistrate, 3rd Court, Calcutta</p> | |