

IN THE MUNICIPAL MAGISTRATE, 3rd COURT, CALCUTTA (I/C)

Present: Smt. Sneha Basu

JO Code: WB-01437

Criminal Misc Case 2738 of 2016

CNR No. : WBCS03-02821-2016

Order dated 12.02.2026

1. Today is fixed for awaiting report

Ld. Presiding Officer has been transferred. Ld. Municipal Magistrate, 2nd Court, is in charge, in terms of the direction of Ld. Chief Judge, City Sessions Court.

2. The Ld. APP is present on behalf of the State. The accused is absent. It is submitted that the local Bar has passed a resolution requesting that no adverse orders be passed today for the reasons stated therein. The same is considered.

3. The petitioner submits that although the matter was earlier fixed for hearing, by order dated 22.08.2023 this Court had directed reconstruction of the deposition of Prosecution Witness No. 1 due to misplacement of the evidence sheet from the case record and had sought necessary permission from the Ld. Chief Judge, City Sessions Court, Calcutta. It is further submitted that the matter has remained pending awaiting such instructions, resulting in stagnation of further proceedings, and that the accused, being a senior citizen, has suffered hardship due to the prolonged pendency. A prayer has therefore been made for expeditious steps.

4. Upon perusal of the record, it appears that after framing of charge and conclusion of evidence of four out of six witnesses, the matter was fixed for examination of the accused under Section 313 Cr.P.C., when it was discovered that the deposition sheet of CSW-02 (PW-01) was missing. A report was called for from the Head Comparing Clerk, Copying Department, which confirmed that no certified copy of the said deposition had been applied for. In view of the necessity of reconstructing the missing deposition and fixing responsibility for its loss, the matter was referred to the Ld. Chief Judge, City Sessions Court, Calcutta, vide order dated 22.08.2023, seeking instructions and permission for reconstruction.

5. This Court is conscious of the hardship faced by the accused on account of the pendency. However, the issue referred pertains to a missing deposition sheet, and the instructions sought vide order dated 22.08.2023 are indispensable for continuation of the trial. Further proceedings cannot legally advance until such instructions are received. Upon receipt thereof, this Court shall proceed with due expedition and in accordance with law.

Fix 12.03.2026 for awaiting instructions and further order.

**Municipal Magistrate, 3rd Court,
Calcutta (In Charge)**