

**In the Court of the Senior Municipal Magistrate, Kolkata**

Present :

Shri Pradip Kumar Adhikary,  
J O Code UID No.-WB916  
Senior Municipal Magistrate,  
Kolkata, Dist.- Kolkata  
Case No.-1265 of 2017  
CNR No.-WBCS03-004518-2016

State

V.

**Asgar Ali @ Akbar Ali @ Mona and Sabana Khatoon.**

**Order No.-26**

**25.10.2021**

Today is fixed for evidence.

Both accused persons on court bail are absent by filing a petition praying for proceeding the case in their absence represented by their pleader under section 317 Cr.P.C as they could not turn up due to sudden illness.

Heard.

Other side has raised no objection.

Upon such consideration and hearing it is sprouted that the progress of the trial can be achieved even in the absence of the absentee accused and as such the personal attendance of the absentee accused before the Court today is dispensed with as they are represented by the pleader in the interest of justice on condition that they would not dispute their identity as the particular accused in this case.

The APP is present with CSW-01, Santanu Dutta. He is examined as P.W.-01 , cross-examined in full and discharged.

During examination of the P.W.-01 the following documents have been exhibited as follows :

**Exbt-01-** The true copy of the sanction plan vide B P No.-2015090023 dated 10.07.2015;

**Exbt-02-**The true copy of the stop work notice under section 401 of the Kolkata Municipal Corporation Act;

**Exbt-03-**The true copy of return of service of notice;

**Exbt-04-** The true copy of the police intimation;

**Exbt-05-** The written complaint;

**Exbt-06-** The periodical inspection report;

**Exbt-07-** The true copy of the D/sketch and Building Rules Infringement Statement (Collectively);

No other witness is turn up before the Court.

At this stage the Ld. APP files a petition U/s 311 Cr.P.C.

Perused the petition.

In the petition U/s 311 Cr.P.C the Ld. APP has prayed for issuing summons upon **Kuntal Dutta, SAE and Santanu Chakraborty, SAE Borough IX, KMC** as they are the material witness in this case. But the I.O has not made them witness. The evidence of the said witnesses are necessary for determining real dispute and for arriving at the just decision of this case.

Heard.

Other side has raised no objection.

Considering the ground and no objection the prayer is allowed.

Hence the case is adjourned for the ends of justice.

BC-II is directed to issue summons upon **Kuntal Dutta, SAE and Santanu Chakraborty, SAE Borough IX, KMC as per petition under section 311 Cr.P.C filed by the Ld. APP on 25.10.2021** at once.

To 09.11.2021 for further evidence.

The surety/sureties is /are directed to produce the accused on the next date.

D/C by me

Senior Municipal Magistrate,  
Kolkata, Dist.- Kolkata

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