

IN THE MUNICIPAL MAGISTRATE, 2nd COURT, CALCUTTA

Present: Smt. Sneha Basu

JO Code: WB-01437

Criminal Misc Case 1471 of 2017

CNR No. WBCS03-004735-2016

Order dated 05.02.2026:

Today is fixed for hearing of petition dated 04.12.2025 and order.

Ld. APP is present on behalf of the state.

Accused persons are absent by filing petition.

Heard the submissions of both sides on an earlier occasion. Considered.

The present petition has been filed by the accused persons, namely Amzad Ali and others, in connection with Ekbalpore Police Station Case No. 345 of 2017 dated 22.06.2017, registered under Sections 392/610 read with Section 401(A) of the Kolkata Municipal Corporation Act and pending before this court. It is stated that the FIR was lodged on the basis of telephonic information alleging unauthorized construction at premises no. B/17A/H/2, Mominpur Road, P.S. Ekbalpur, Kolkata, and that charge-sheet no. 125 of 2018 was thereafter submitted, pursuant to which the accused surrendered and were released on bail. The petition further discloses that one Saukat Ali had approached the Hon'ble High Court at Calcutta by filing W.P. No. 467 of 2017 and had also lodged complaints before the Kolkata Municipal Corporation, whereupon, by order dated 07.09.2017, the Hon'ble High Court directed demolition of the alleged unauthorized construction, which was subsequently carried out by the KMC through the Executive Engineer with police assistance. On this basis, the accused contend that the alleged construction already stands demolished in compliance with the Hon'ble High Court's order and pray for adducing Executive Engineer as witness.

Upon a careful consideration of the contents of the present petition, this Court is of the view that the same deserves to be allowed in the interest of proper and effective adjudication of the issues involved in the case. The petition brings on record material facts relating to parallel proceedings before the Hon'ble High Court and the consequent demolition of the alleged unauthorized construction by the Kolkata Municipal Corporation, which form an integral part of the factual matrix of the case. For a just, fair and comprehensive appreciation of the controversy, it is imperative that the entire factual picture, including the orders passed by the Hon'ble High Court and the action taken pursuant thereto by the municipal authorities, is placed before this Court. Calling for the relevant reports and records, as prayed for, would therefore assist the Court in arriving at a well-informed and legally sound conclusion, and no prejudice is caused to the prosecution by permitting such disclosure.

The prayer of the accused persons in the present petition is allowed.

Issue summons to Executive Engineer, Borough IX with necessary documents of case premises No. B/17A/H/2, Mominpur Road, P.S. Ekbalpur, Kolkata,

Fix 12.03.2026 for appearance of accused as well as Executive Engineer, Borough IX

Municipal Magistrate
2nd Court, Calcutta