

03.9.2026
Sl. 01
Subadip
Court No.655

CRA 42 of 1979

In the matter of : **Monoharan Saha**

....Appellant

Mr. Saibal Krishna Dasgupta,
Mr. Aritra Roy.

.....for the petitioner

Mr. Soham Banerjee.

.....for the opposite party
(V.C.)

Mr. Lokesh Sharma,
Mr. Risabh Singh.

.....for the State

1. Appellant is represented by the learned Advocate who is appointed by the Calcutta High Court Legal Services Committee.
2. Mr. Soham Banerjee, learned Advocate appointed by the Calcutta High Court Legal Services Committee to represent the respondent/opposite party is present through virtual mode.
3. It appears from the report submitted by the Department that the paper book in connection with the present appeal could not be prepared, as the examination of the accused under Section 313 of the Code of Criminal Procedure, 1973 could not be traced in the Trial Court Record (TCR). The report further indicates that the TCR has suffered substantial damage and has been heavily torn, as a result whereof the record cannot, at present, be properly assembled and arranged in a presentable

condition. In view of the aforesaid condition of the TCR and the non-availability of the examination under Section 313 Cr.P.C., preparation of the paper book has consequently not been possible.

4. It appears from the report submitted by the Commissioner of Police, Kolkata that the present residential addresses of both the appellant and the respondent could not be ascertained. Consequently, the administrative notices issued by the Department could not be duly served upon the persons concerned. The report also reveals that both the appellant and the respondent have left their respective earlier places of residence and have shifted elsewhere, and their present whereabouts and addresses could not be traced despite the steps taken.
5. In the circumstances, the concerned Police Station is directed to make a further and earnest effort to ascertain the present whereabouts and addresses of both the appellant and the respondent and to take all necessary and effective steps for service of notice upon them. The concerned police authorities shall make sincere efforts to ensure that the notices are duly served upon both the parties and shall submit a detailed report before this Court on the next date fixed for the matter.
6. The Department is directed to communicate a copy of this order to the concerned Police Station through the Commissioner of Police, Kolkata, for necessary compliance. The Commissioner of Police, Kolkata, is requested to ensure that appropriate instructions are issued to the concerned Police Station so that

the direction for service of notice is complied with expeditiously and a report is submitted before this Court on the date fixed.

7. List the matter on 5th October, 2026.

(Prasenjit Biswas, J.)