

D/L11
12.12.2022
Bpg.

C.R.R.166 of 2021

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Sekhar Chandra Naskar alias Sekhar Naskar
Versus
The State of West Bengal and another

Mr. Partha Chakraborty,
Ms. Paulomi Dutta.
...for the petitioner.

Mr. Goutam Dinda,
Mr. Anindya Sundar Chatterjee.
...for the KMC.

The revisional application has been preferred against an order passed by the learned Additional District and Sessions Judge, 1st Fast Track Court, City Sessions Court, Calcutta in respect of an order passed by the learned Senior Municipal Magistrate in connection with Misc. Case No.355 of 2016 under Section 401A of the Kolkata Municipal Corporation Act.

By the said order, the learned Senior Municipal Magistrate was pleased to convict the present petitioner under Section 392 read with Section 610 of the KMC Act and sentenced him to pay fine of Rs.2,500/-, in default, Simple Imprisonment for one month. Further, by the same order, the learned Senior Municipal Magistrate was pleased to direct demolition the unlawful/illegal construction of the building within a period of 15 days. The learned appellate court while disposing of the appeal retained the fine so imposed and default sentence, but, however,

was pleased to modify the part of the order of the learned Senior Municipal Magistrate and directed to initiate proceedings under the KMC Act for demolition of the illegal/unauthorised construction in respect of premises no.14C, Dharmatolla Road, Ward No.67, Borough No.VII, KMC.

Having regard to the order which has been passed by the learned Additional District and Sessions Judge, 1st Fast Track Court, City Sessions Court, Calcutta in Criminal Appeal No.72 of 2019, I find that there is no scope for interference in respect of the same.

Accordingly, CRR 166 of 2021 is dismissed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)