

05.12. 2022
item No.3
n.b.
ct. no. 551

CRA 124 of 1991

**Calcutta Municipal Corporation
Vs.
East End Bakery & Confectionery & Anr.**

Mr. Goutam Dinda,
Mr. Anindyasunder Chatterjee,
.... For the K.M.C.

Mr. Goutam Dinda, learned advocate appears on behalf of
K.M.C.

This is an appeal preferred by the KMC against the order of acquittal passed by the Learned Court below. The appeal was preferred in the year 1991. However, during the long pendency of the appeal an administrative notice was issued upon the opposite party.

The report received from the concerned police station containing inter alia that the opposite party no.1 East and Bakery & Confectionery had been shut down 15 years ago and owner of the said Bakery that is opposite party no.2 namely, Kamal Kanta Bakshi died long ago. The police authorities have collected the death certificates from the KMC. The death certificate of KMC shows the said opposite party no.2 died on 5.11.2008.

This is an appeal against the judgment and order dated August 9, 1990 passed by the Municipal Magistrate, 4th Court, Calcutta in case no.2816B/1985. By passing the impugned judgment learned Court below has acquitted the opposite parties from a charge under Section 537/442 of the KMC Act 1951. The

KMC preferred instant appeal against the said order. As the opposite parties i.e. acquitted so-called accused persons has defunct and died. So is not necessary to further proceed with the instant appeal as the appeal has become infructuous.

Accordingly, the instant appeal is hereby disposed of as infructuous.

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

(Subhendu Samanta, J.)