

04-07-2023
Subha
Item no. 29
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2219 of 2022

Mohan Lal Chotia
-versus-
The State of West Bengal

Mr. Sunny Nandy
Mr. Purnendy Maity
Mr. Subha Pathak
....for the petitioner.

Mr. S. G. Mukherji, Id. PP
Mrs. Manisha Sharma
Mrs. Debjani Sahu
....for the State.

Ms. Sreyashe Biswas
Ms. Puja Goswami
....for the K. M. C.

Learned advocate for the petitioner has prayed for quashing of Posta P. S. Case No. 116 of 2019 dated 30.07.2019 which is under the provisions of Section 401A of the Kolkata Municipal Act, 1980.

Ms. Sreyashee Biswas, learned advocate appears on behalf of the Kolkata Municipal Corporation.

Mr. Mukherji, learned Public Prosecutor appears on behalf of the State.

The very essence of preferring the application under Section 482 of the Code of Criminal Procedure is that the sanction plan which was not available at the stage when the case was initiated, have been subsequently regularized by the Kolkata Municipal Corporation and the sanction plan has been issued. These are

question of facts. On the date of inspection if on the report of the concerned engineer the case has been initiated and there was no sanction plan and subsequently the same has been regularized and the sanction plan has been issued, it is for the Kolkata Municipal Corporation to answer in course of the trial before the learned Municipal Magistrate. Accordingly, the same is a question of fact and do not call for interference by this court. However, the learned trial court would take into account the issue relating to initiation of the case without a sanction plan and the regularization of the building by issuance of sanction plan by Kolkata Municipal Corporation Authority, while proceeding with the case and if the same is brought to the court in course of evidence of the case by the present petitioner.

. With the aforesaid observations, the present revisional application being CRR 2219 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

