

27.03. 2023
item No.23
n.b.
ct. no. 551

With
CRR 3150 of 2018
IA No. CRAN 4 of 2021
Bholanath Sahu
Vs.
The State of West Bengal & Anr.

Ms. Baisali Sharma,
... for the Petitioner.
Ms. Sreyashee Biswas,
Mr. Goutam Dinda,
Mr. Anindyasundar Chatterjee,
... for the K.M.C.
Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu
.... For the State

State is represented.

Learned advocate appearing on behalf of the KMC submitted a report. Perused the report, it is revealed from the report that the present petitioner herein has deposited the regularization fees amounting to Rs.84,793/- on 14.6.2018 and submitted Structural Stability Certificate.

Considering the report of the KMC and considering the facts and circumstances of this case it appears that separate proceeding has been initiated by the KMC. The merit of the proceeding is extraneous to this case. Thus, that cannot be considered at this stage.

The revisional criminal application has been preferred against the order and judgment dated September 13, 2018 passed by the Learned Additional District & Sessions Judge, Fast Tract

Court No.II, Bichar Bhawan, Calcutta in Criminal Appeal No.84 of 2016 thereby affirming judgment and order dated July 7, 2016 passed by Learned Municipal Magistrate, 3rd Court, Calcutta in M.F. Case No.104 of 2016 arising out of Netajinagar P.S. Case No.40 dated 4.2.2016 under Section 401(A) of the KMC Act, 1980.

After the order of conviction was passed the appellant i.e. accused proceeded to regularize the same before the KMC authority and he also paid necessary fees and Stability Certificate. Considering the same the impugned order of conviction passed by this learned Municipal Magistrate Court is hereby set aside.

The CRR 3150 of 2018 is allowed.

The surety in the name of the petitioner is also discharged.

Interim order passed by this Court during the continuation of the instant criminal revisional application is also vacated.

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

(Subhendu Samanta, J.)