

06.02.2024
Serial no. 1
[G.S.D]

CRR 1631 of 2023

In the matter of : Dibyendu Kumar Dhara
... .. Petitioner

<i>Mr. Kusal Kumar Mukherjee</i>	
<i>Mr. Surajit Basu</i>	
<i>Ms. Eshia Aich</i>	<i>... for the petitioner</i>
<i>Ms. Sreyashee Biswas</i>	<i>... for the State</i>
<i>Mr. Kishore Dutta</i>	
<i>Mr. Goutam Dinda</i>	
<i>Mr. A. S. Chatterjee</i>	<i>.... For the KMC</i>

Pursuant to the earlier order, a report has been submitted affirmed by the Executive Engineer (Civil), Kolkata Municipal Corporation.

The report itself speaks that necessary steps have been taken pursuant to the Municipal Commissioner’s Order No. 7 of 2023/2024 for compounding the offence.

In view of the report so submitted, the offence complained of against the present petitioner is for violation of the relevant provisions i.e. 401A of the KMC Act, is compounded.

Accordingly, the Judgment dated 13.2.2018 passed by the Id. Judge, Bench-I, City Sessions Court, in Criminal Appeal No. 32 of 2016 and the verdict of the Id. Municipal Magistrate, 3rd Court, Calcutta in M/F No. 185 of 2015

thereby sentencing the petitioner to under go S.I. for six months and to pay fine of Rs.5,000/-, is hereby set aside.

Consequently, the petitioner is discharged from the alleged offence under section 401A of the KMC Act as the offence has been compounded by the authorities.

With the aforesaid observations, CRR 1631 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Report so submitted by the Id. advocate appearing for the KMC be kept with the record.

Communications would be made by the KMC to offices/department so that further harsher action is not taken against the present petitioner.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)