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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. Nol. 26264 of 2022

Srikanta Roy
Vs.
The Registrar, Appellate Side,
High Court at Calcutta & Ors.

Mr. Barun Kumar Samanta
...for the petitioner

Mr. Arindam Banerjee
...for the respondent no. 1

1. The grievance of the petitioner is that the petitioner is a retired person of about 75 years of age.
2. By an order dated February 21, 2018, as evident from a skeleton order sheet which was supplied by the office of the Judicial Magistrate, Fifth Court at Sealdah, South 24-Parganas, it is seen that the petitioner had been acquitted previously.
3. However, in view of no certified copy of the said order being provided to the petitioner, the petitioner cannot take advantage of such acquittal, thereby causing severe adverse consequences to the petitioner in several spheres.
4. Upon being previously directed to file a report, learned counsel appearing for the High Court Administration hands over a copy of a report

authored by the Additional District and Sessions Judge, First Court at Sealdah and given to the learned District Judge, South 24-Parganas at Alipore, from which it is evident that the Presiding Officer of the Fifth Court of Judicial Magistrate, Sealdah is continuously monitoring the search for the misplaced records relating to the petitioner's case by her existing court staff and will start the work of construction of the case record if this Court and the learned District Judge so permit.

5. Such report, handed over in Court today, be kept on record.

Since a bona fide attempt is being made by the concerned Judicial Magistrate, it would only be appropriate if the Judicial Magistrate is granted leave to reconstruct the records. Two months' time has been sought for the same, which can very well be given to the said Judicial Magistrate. However, the petitioner cannot suffer in the meantime for non-furnishing of certified copy of the order dated February 21, 2018 and the preceding orders dated February 02, 2018 and February 14, 2018; more so, since a skeleton copy of the said order sheet has already been handed over to the petitioner and annexed to the present writ petition at pages 25 to 27 of the same.

6. Hence, keeping in view the sorry situation of the petitioner, the ends of justice demand that the office of the Judicial Magistrate shall issue a certified copy of the said orders to the petitioner on the premise of the skeleton records, which have already been furnished to the petitioner and his acquittal order.

7. Accordingly, W.P.A. No. 26264 of 2022 is disposed of by directing the respondent no. 3, that is, the Sherestadar of the Judicial Magistrate, Fifth Court at Sealdah, to ensure that certified copies of the orders dated February 02, 2018, February 14, 2018 and February 21, 2018, passed by the said Court in G.R. 2137 of 1997 are furnished to the petitioner pursuant to the application already made in that regard by the petitioner, within a fortnight from the date of communication of the order to the said respondent.

8. Such certified copies shall be furnished on the premise of the skeleton copies of the said orders, which have already been handed over to the writ petitioner and annexed at pages 25 to 27 of the present writ petition.

9. The concerned Judicial Magistrate, Fifth Court at Sealdah shall also make all endeavour to have the records reconstructed and ensure that the said reconstruction work is completed within two months from date.

10. Upon the reconstruction being completed or, if possible, before such completion, the office of the said Judicial Magistrate shall also furnish a certified copy of the acquittal order dated May 22, 2021, subject to the said copy being available to the petitioner.

11. There will be no order as to costs.

12. Urgent certified copy of the order, if applied for be made available to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)