

D/L. 11.
January 16, 2024.
MNS.

WPA No. 26530 of 2023

Mukta Dutta Banik
Vs.
Additional Chief Judicial Magistrate,
Barrackpore and others

Mr. Kajal Mukherjee,
Mr. Saptarshi Dutt

... for the petitioner.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner is the accused person in a criminal case, which is ongoing before the respondent no. 1, that is, the Additional Chief Judicial Magistrate, Barrackpore, where the petitioner has been accused under Sections 420/406/323/506 of the Indian Penal Code. The petitioner is at present enlarged on bail. However, the petitioner has come to know that the records of the petitioner's criminal case are missing in the trial court.
3. Learned counsel for the petitioner contends that since the petitioner is under the constant shadow of the criminal case, which is looming over the petitioner's head, the petitioner seeks that the records of the said criminal case be

traced out immediately, so that the criminal case against the petitioner reaches its logical culmination early. In that regard, the petitioner has also written to the respondent no. 1 but to no effect.

4. It is submitted that the case records of the petitioner be re-constructed and the trial be proceeded with expeditiously.
5. Despite service, none appears for the respondents at the time of hearing.
6. The prayer of the petitioner is innocuous and justified.
7. Accordingly, WPA No. 26530 of 2023 is disposed of by directing the Additional Chief Judicial Magistrate, Barrackpore, that is, the respondent no. 1 to immediately seek a report from the respondent no. 2, that is the Registrar, Additional Chief Judges & Metropolitan Court, Calcutta, with regard to the whereabouts of the records of the pending criminal case against the petitioner.
8. Such exercise shall be completed by the respondent nos. 1 and 2 within a week from the date of communication of this order to the said respondents. Thereafter, in the event the records of the criminal case pending against

the petitioner are not traced out, the respondent no. 1 shall take all possible steps for re-construction of the said records, if necessary, by directing the parties to produce the documents, which are in their custody for such purpose.

9. It is expected that such re-construction, if required, shall be completed within a further period of three weeks immediately thereafter.

The respondent no. 1 shall proceed with the trial of the case pending against the petitioner and expedite the hearing of the same, making all endeavour to conclude the same within eight weeks thereafter or within eight weeks after the records are traced out, whichever is earlier.

10. There will be no order as to costs.

11. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

