

01.07.2021
Item no.5
Ct. No.34
CHC

C.R.R. No.756 of 2003
(Through video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

AND

In the matter of:-

Md. Gayeb Halsana
@ Md. Gayeb Hossain & anr.
... petitioners

Mr. Prabir Majumder
...for the petitioner

Mr. Arijit Ganguly,
Ms. Sujata Das
...for the State

Mr. Aniket Mitra
...for the WBSEDCL

Pursuant to the order passed by this Court, the petitioners have deposited a sum of Rs.10,000/- with the Electricity Authorities.

By way of Supplementary Affidavit, learned advocate for the petitioners have enclosed receipt so issued by the West Bengal State Electricity Distribution Company Limited.

The Supplementary Affidavit so filed be kept with the record.

Mr. Aniket Mitra, learned advocate appearing for the W.B.S.E.D.C.L. does not dispute the factum of the amount being deposited.

Mr. Arijit Ganguly, learned advocate appears on behalf of the State.

The subject-matter of the case relates to Chapra Police Station Case No.184 dated 30.07.1991 (G.R. Case No.1103 of 1991) which was registered for alleged commission of offences against the present petitioners under Section 39 of the Indian Electricity Act, 1910 and Section 379 of the Indian Penal Code.

Charge-sheet was filed in connection with the said case and the petitioners prayed for discharge before the learned Judicial Magistrate, 4th Court, Krishnagar. Against the refusal of the said order the petitioners approached the learned Sessions Court thereby invoking its revisional jurisdiction. However, learned Additional Sessions Judge, 1st Court, Krishnagar, Nadia, was pleased to affirm the order passed by the learned Judicial Magistrate in Criminal Motion No.33 of 2001 vide order dated January 16, 2003.

Having regard to the fact that the subject-matter of the case relates to loss of revenue by the W.B.S.E.D.C.L. and the same has been deposited by the petitioners and also taking into consideration that the incident is of the year 1991, I am of the view that further continuance of the proceedings after 30 years is unwarranted.

Accordingly, all further proceedings arising out of Chapra Police Station Case No.184 dated 30.07.1991 (G.R. Case No.1103 of 1991) is hereby quashed.

The petitioners shall be discharged from the bail bonds, if they are on bail and they may not be asked to attend court if they are not wanted in any other case.

With the aforesaid observations, C.R.R.756 of 2003 is allowed. Pending applications, if any, are disposed of.

The department is directed to communicate this order to the learned court below within a period of seven days from date.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)