

09.09.2021
Ct. No. 29
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CRR 184 of 2010

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

and

In Re : Ram Chandra Pal @ Ram Paul petitioner

Mr. Rana Mukhrjee, learned A.P.P.

.... for the State

The criminal revisional application is fixed up today for consideration.

This revisional application has been filed under Sections 401 and 482 of the Criminal Procedure Code against Jagacha Police Station Case No. 63 of 2003 under Section 39(2)(ii) of the Indian Electricity Act (W.B. Amendment) 2001 vide Charge-sheet No. 54 of 2003 dated 07.07.2003 pending before the learned Additional District Judge, 4th Court at Howrah (Sadar) vide Electricity Case No. 42 of 2004.

It has been averred in this revisional application that the case was started on 05.07.2003 and charge-sheet was submitted on 07.07.2003 on the basis of a complaint lodged by Mr. Tapabrata Majumder, Engineer of CESC Limited, posted at Loss Control Cell at 90/7A, M.G. Road, Kolkata -7, alleging, inter alia, that in the course of a routine check-up, he alongwith others went to the factory premises of the petitioner and found that the holder of the meter was using electricity illegally by means of

direct connection from the service cut out, bypassing meter connection. Accused/petitioner contended that after passage of six years from the date of filing charge-sheet, charge was not framed in this case and due to his suffering on account of delay the proceeding should be quashed.

On call none appears for the petitioner as well as the opposite party no. 1/C.E.S.C. Limited.

Mr. Mukherjee, learned Additional Public Prosecutor is present in Court to represent the State. Concerned authority is directed to regularise his appointments.

It is submitted by Mr. Mukherjee, learned Additional Public Prosecutor, that this is a long pending case. Since this matter is already listed, necessary order may be passed on merit.

On perusal of the record, I find that further proceeding of this criminal case had been stayed and extended from time to time till the date of the order.

Peruse the certified copy of the order passed by the learned Additional District Judge, 4th Court at Howrah (Sadar) vide Electricity Case No. 42 of 2004. It appears therefrom that as the presiding officer of the concerned court was not vested with the power to try cases under the Electricity Act, there has been some delay. However, for the said reason, the present petitioner cannot be absolved of the charge without undergoing proper trial.

I find no merit to allow the prayer for quashing of the proceeding in the Electricity Case No. 42 of 2004 pending before

the Court of the learned Additional District Judge, 4th Court at Howrah (Sadar).

Accordingly, the revisional application being CRR No. 184 of 2010 is dismissed on merit.

Stay granted earlier is vacated.

Let a copy of this order be sent to the court of the learned Additional District Judge, 4th Court at Howrah (Sadar) with a direction to expedite the trial of the case.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

(Ananda Kumar Mukherjee, J.)