

19.07.2022
Item No.28
Ct. No.35
Saswata

CRR 91 of 2019

Biswanath Bhuia @ Biswanath Bhuniya.

-vs-

State of West Bengal & ors.

Md. Mokaram Hossain
Mr. Sandipan Maity
... for the petitioner

Ms. Sreyashee Biswas
... for the State

Mr. Aniket Mitra
... for the WBSEDCL

Affidavit of service filed on behalf of the petitioner in Court today is taken on record.

Party/parties is/are represented in the order of their name/names as appearing in the cause title.

The revisional application under Section 401 read with Section 482 of the Cr.P.C. has been preferred by the petitioner praying for quashing of proceedings in Special case (Electricity) no. 2522 of 2014 pending before the Special Judge (Electricity Act)-cum-Additional District Judge, 4th Court, Barasat, North 24 Parganas.

The fact of the case in brief is that on 17.11.2008 at about 3.15 P.M. at village Ghoshpur Masterpara North 24 Parganas at the time of inspection held by Station Manager of Sandeshkhali Group Electric Supply, it was found that the accused was enjoying electricity unauthorizedly by tampering of electric meter installed in the premises of the accused and he

has damaged and destroyed the electric meter so as to interfere with accurate metering of electricity.

An FIR was lodged and on the basis of that, police investigated into the case and filed charge sheet against the accused/petitioner under Section 135(1)(b)(2) of the Electricity Act. On the basis of final assessment made by the Department, the petitioner was directed to deposit an amount of Rs. 2,80,350/- within 7 days from the date of issuance of the letter dated 10.12.2008. The petitioner duly deposited Rs. 2,80,350/- on 12.12.2008, i.e., within 2 days from the date of issuance of the letter. The contention of the petitioner is that he has deposited the entire amount as finally assessed by the Electricity Department. Learned advocate for the petitioner submits that charge was framed in this case on 07.12.2016 but no witness has been examined and continuation of the proceeding any further would be an abuse of the process of law as the chance of conviction in this case is remote.

Learned advocate for the WBSEDCL / opposite party no. 2 admitted that the entire assessed amount has been deposited by the petitioner. He also submitted that a direction may be given to the jurisdictional court to dispose of the case within a time frame and they will produce other witnesses.

Learned advocate appearing for the State opposes the prayer for quashing of the proceeding on the ground that charge has already been framed.

Considered the submissions made by learned advocates of the respective parties as well as the contents of the revisional

application and the order passed by the Learned Judge, (Special Court), Barasat, North 24 Parganas. In my considered view, it is evident that the petitioner has deposited an amount of Rs. 2,80,350/- on account of wrongful consumption of electric energy. It is therefore necessary to ascertain whether there was any tampering with the electric meter or not for the above purpose. In such view of the matter there is a prima facie case against the accused. I do not find any merit in the revisional application. The same is accordingly dismissed with a direction to opposite parties as well as the State to examine the witnesses before the Trial Court within 4 months from the date of communication of this order. There should be a liaison between the opposite party no. 2 and the Special Public Prosecutor conducting the prosecution for producing the prosecution witnesses before the Court in time so that there is no delay over the matter.

In case, the opposite parties fail to produce witnesses, learned Special Judge within the specified time he shall be at liberty to close the evidence and dispose of the matter in accordance with law.

The revisional application is disposed of.

Interim order, if any, stands vacated.

Let a copy of this order be communicated to Learned Special Judge (Electricity Act)-cum-Additional District Judge, 4th Court, Barasat, North 24 Parganas for information and compliance.

(Ananda Kumar Mukherjee, J.)

