

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 1956 of 2022

**Soumen Hazra @ Saumen Hajra
Vs.
State of West Bengal & Anr.**

**For the Appellant : Mr. Kallol Mondla, Adv.
Mr. Krishan Ray, Adv.
Mr. Souvik Das, Adv.
Mr. Anamitra Banerjee, Adv**

Heard on : 21.06.2022

Judgment On : 21.06.2022.

Bibek Chaudhuri, J.

The competent officer of WBSEDCL filed a written complaint before the jurisdictional Police Station stating, *inter alia*, that one Arun Ghanta used to enjoy electricity illegally by tapping. The open electric wire fell on the fencing of agricultural field of the petitioner. A minor girl aged about 7 years touched the fencing set up around the agricultural land of the petitioner and died due to electrocution. A case being Khanakul Police Station Case No.253/2015 was registered on 16th June, 2015 against the said Arun Ghanta. Subsequently the father of the minor girl

filed an application under Section 156(3) of the Code of Criminal Procedure alleging involvement of the petitioner and some other persons of the village in illegal enjoyment of electricity by tapping and causing death of his minor daughter. The said application under Section 156(3) of the Code of Criminal Procedure was allowed. It was specifically directed by the learned Additional Chief Judicial Magistrate, Arambagh that in the event of a specific case being started in respect of the same incident as alleged in the petition of complaint, the petition of complaint shall be incorporated in the case diary of the specific case. However, the said petition of complaint was not tagged with Khanakul Police Station Case No.253 of 2015. On the other hand, police registered Khanakul Police Station Case No.357 of 2015 dated 9th August, 2015 on the basis of the said written complaint under Section 156(3) of the Code of Criminal Procedure. Surprisingly enough at the time of filing charge-sheet in both the cases, the name of the petitioner transpires. The petitioner has come up with the instant application praying for quashing of the second charge-sheet.

Having heard the learned Advocate, Mr. Mondal and on perusal of the materials on record annexed with the instant petition, it appears that the submission of Mr. Mondal is borne out of the record.

On perusal of the materials on record it is found that in respect of Khanakul Police Station Case No.357 of 2015, charge sheet has been

submitted only against the petitioner. Though no complaint was lodged against the petitioner by WBSEDC in Khanakul Police Station Case No.253 of 2015. His name transpires on the said charge-sheet also.

It is needless to say that when on the self same cause of action there is a complaint case and a case instituted on police report, both the cases are to be amalgamated and heard as a case instituted by the police. Though in the instant case, both the charge sheets were filed by the Police, it was filed in respect of the self same cause of action. Therefore, both the charge-sheets in respect of Khanakul Police Station Case No.253 of 2015 and Khanakul Police Station Case No.357 of 2015 are to be amalgamated and trial of the case shall be conducted by the competent Court taking both the charge-sheets together as if the single charge-sheet has been filed against the petitioner and others in respect of self same cause of action.

In view of the above observation, there is nothing left in the instant criminal revision.

The instant criminal revision is **disposed of** directing the Trial Court to amalgamate both Arun Ghanti and the petitioner and try the case as one and single case instituted on police report.

(Bibek Chaudhuri, J.)