

12.04.2022

Sl. No. 45.

Mithun.

Ct.No.42.

CRR/1995/2007

(Via Video Conference)

Subhas Saha

Vs.

The State of West Bengal

Mr. Prabir Majumder, Adv.

... for the petitionr.

On the basis of a charge sheet filed by the jurisdictional police authority, the learned Additional Sessions Judge, 4th Court at Krishnagar, (designated Special Court) under the Electricity Act took cognizance an offence punishable under Section 135/138 of the Electricity Act, 2003 as well as under Sections 435/201 of the IPC in connection with G.R.Case No.32 of 2006.

The order of taking cognizance dated 24th January, 2006 is under challenged in the instant revision and the petitioner has prayed for quashing of the entire proceeding in view of the provision under Section 151 of the Electricity Act.

Section 151 of the Electricity Act, 2003 runs thus:-

151. Cognizance of offences.- No Court shall take cognizance of an offence punishable under this Act except.-

(a) upon a complaint in writing made by Appropriate Government or Appropriate Commission or any of their officer authorised by them or

a Chief Electrical Inspector or an Electrical Inspector or a licensee or the generating company, as the case may be, for this purpose; or

(b) upon a police report of facts which constitute an offence:

Provided that, such police report is based on the First Information Report filed by a person who is authorised to file a complaint under Clause (a).” [Vide Maharashtra Act No.XXXVI of 2005, Section 2 (w.e.f.23.06.2005)]

Along with the instant revision the charge has not been annexed by the petitioner.

It is submitted by Mr.Majumder that in terms of the order passed by the Court below, the petitioner in all deposited Rs.84,000/- towards arrears electricity charges. Section 151 (b) of the Electricity Act empowers the Court to take cognizance upon a police report.

Since the learned Trial Judge has already taken cognizance and the petitioner has deposited considerable amount of money towards arrears of electricity charges, the instant criminal revision is disposed of giving liberty to the petitioner to file an application for compounding the offence under the Electricity Act, 2003 in the event of filing of such application, the Trial Court is directed to dispose of the said application within one month from the date of communication of this order in accordance with law.

The instant revision, is, thus, **disposed of.**

(Bibek Chaudhuri, J.)