

**Form No. J(2)**

**IN THE HIGH COURT AT CALCUTTA**  
CRIMINAL REVISIONAL JURISDICTION

Present:

**The Hon'ble Justice Jay Sengupta**

**C.R.R. 2549 of 2021**  
**Manik Bhattacharjee & Anr.**  
**-vs-**  
**The State of West Bengal & Anr.**

For the Petitioner : Mr. Kunal Ganguly

For the State : Mr. Imran Ali  
Mr. M.F. Ahmed Begg

For the CESC Ltd. : Ms. Sreyashee Biswas

Heard on : 02.02.2022

Judgment on : 02.02.2022

**Jay Sengupta, J.:**

This is an application challenging the warrant of arrest issued against the petitioners in connection with a case under Section 135 of the Electricity Act.

Learned counsel appearing on behalf of the petitioners submits

as follows. The petitioner no. 2 had sold the premises in question to the petitioner no. 1 in May, 2015. The petitioner no. 1 continued to draw electricity from the electric meter in the name of petitioner no. 2. On 09.10.2015 the said premises was inspected by the CESC Limited. On 16.10.2015 the CESC authorities came to the premises and disconnected the existing line and issued provisional assessment of an unmetered consumption of Rs. 3,95,681/-. After a few days the authorities decided to grant separate electricity connection to the petitioner no. 1. In 2015, the petitioners filed a writ petition being WP NO. 27499(w) of 2015 against the CESC Limited and others challenging the provisional assessment bill dated 16.10.2015. On 09.12.2015 this Court was pleased to dispose of the writ application of the petitioners granting liberty to the petitioners to approach the appellate authority. This court further directed that till disposal of the trial no coercive measures would be taken by the authorities against the petitioners. The petitioners filed a statutory appeal in 2016. On 06.06.2016 the learned appellate authority passed an order disposing of the appeal and scaled down the bill to a sum of Rs. 3,03,735/-. The petitioners have already paid the entire sum of money. In view of the same, the petitioners pray that the warrant of arrest issued against him may be set aside and they may be directed to surrender before the learned trial court at the earliest.

It is further prayed that steps may be taken for having the offences compounded.

Learned counsel appearing on behalf of the State files a report, which is taken on record and submits as follows. The sum of the final assessment bill as fixed by the learned appellate authority has already been paid by the petitioners. The State would not come in the way, if the offences are compounded by the appropriate authority.

Learned counsel appearing on behalf of the CESC Limited submits as follows. The final assessment bill amount as fixed by the learned appellate authority has already been paid by the petitioners. In view of the same, the CESC Limited do not have any objection if the warrant of arrest issued against the petitioners is set aside. The authorities would take appropriate steps in compounding the offence if an application to that effect is filed by the petitioners.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners, the CESC Limited and the State and have perused the revision petition.

It appears that final bill amount as fixed by the learned appellate authority has already been paid by the petitioners. The State and the Electricity Authority do not have any objection if the warrant of arrest issued against the petitioners is set aside and the

petitioners are directed to surrender before the learned trial court at the earliest.

It is pertinent to note that the electricity authorities have submitted that they would take appropriate steps regarding compounding of offences if such an application is made by the application.

In view of the above and in the interest of justice, I set aside the warrant of arrest issued against the petitioners and direct them to surrender before the learned trial court within three weeks from this date. The learned trial court shall pass appropriate orders in this regard in respect of any application that may be filed by the parties.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Jay Sengupta, J.)**