

28.01. 2022
item No.20
n.b.
ct. no. 34

(via video conference)
CRR 2928 of 2016

Susanta Hait
Vs.
The State of West Bengal & Anr.

Mr. Subir Sabud,
Mr. Golam Mustafa,
.....for the Petitioner

Ms. Anasuya Sinha,
Mr. Pinak Kumar Mitra,
.....for the State.

Mr. Mustafa, learned advocate appearing on behalf of the petitioner submits that the petitioner is innocent, staying at a different place and he has been falsely implicated in this case by Marishda Police Station under Section 39(1) of the Electricity Act. Learned advocate also submits that the petitioner is a cultivator and is innocent of the allegations. Additionally, it has been submitted that the petitioner has been falsely implicated in the instant case and as such the proceedings against him may be quashed.

Ms. Sinha, learned advocate appearing for the State produces the Case Diary and draws the attention of this Court to the statement of the witnesses. It has also been pointed that the present petitioner may not be resident of the area concerned but the evidence which has surfaced clearly reveals that the petitioner was employed for tampering the Meter and there are witnesses to

that effect, who have been relied upon by the Investigating Agency in the charge-sheet.

In view of the materials available in the Case Diary in support of charge-sheet which has been filed before the concerned Special Court, I am of the opinion that at this stage the truth or falsity of the allegations cannot be gone into by this court. As such no interference is called for.

It has been submitted that the warrant of arrest was issued against the petitioner. In case such warrant of arrest is pending, the learned Special Court would allow the petitioner to continue on the same bail and bond provided the petitioner appears/surrenders before the learned Special Court by February 22, 2022.

Accordingly, CRR 2928 of 2016 is dismissed.

All pending connected application, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)