

18.07. 2022
item No.38
n.b.
ct. no. 34

CRR 3362 of 2006

**Subhankar Paul
Vs.
State of West Bengal & Ors.**

Ms. Debjani Sahu

.....for the State

The revisional application was preferred challenging the order of acquittal passed by the Learned Judge, Special Court, (E.C. Act) and Additional District and Sessions Judge, Alipore, South 24 Parganas in respect of case under Sections 135/138 of the Electricity Act.

The Learned Special Court on appreciation of the documentary evidence including the order of injunction passed by the Additional District and Sessions Judge, Alipore, South 24 Parganas, Exhibit – 7 which relates to CESC depositing fees for the purpose of investigation on 29.12.2004 to the Bengal Engineering and Science University, Shibpur, Howrah for testing of the meter as also other reasons which included non-citing of respective persons in the seizure list, non-examination of Jainal Abedin either as witness or as an accused and failing to show in which year the meters were tampered as well as failing to prove disconnection arrived at his finding of acquittal.

It would be apposite to state that while exercising revisional application in case of order of acquittal even if there is an alternative view until and unless a grave injustice or manifest error is shown from the records regarding the finding of the

Learned Trial Court ordinarily a Court while exercising revisional application should not interfered with the same.

Ms. Debjani Sahu, learned advocate appears on behalf of the State. On a consideration of the reasons so assigned by the Learned Trial Court while arriving at its finding of acquittal, I am of the opinion that there is no scope for interference with the judgment delivered by the Learned Trial Court.

Accordingly, the revisional application being, CRR 3362 of 2006 is dismissed.

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

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

(Tirthankar Ghosh, J.)