

D/L41
August 10,
2022
Bpg.

C.R.R.4288 of 2007

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Joydeb Ghosh and others
Versus
The State of West Bengal and another

Mr. Santanu Talukdar.
...for the petitioners.

Mr. Abhra Mukherjee,
Ms. Manisha Sharma.
...for the State.

Mr. Jayanta Narayan Chatterjee,
Ms. Pritha Sinha.
...for the opposite party no.2.

A report was called for from the Officer-in-Charge of Memari Police Station. The same has been submitted through Mr. Abhra Mukherjee, learned advocate appearing for the State. It has been contended in the report that out of the provisional bill of Rs.8,30,053/-, a sum of Rs.4,00,713/- has been paid by Raghunath Rice Mill.

Let the report be kept with the record.

The Investigating Authority on conclusion of investigation has submitted charge-sheet being CS No.150/08 under the relevant provisions of the Electricity Act.

In view of the fact that the case is pending for more than 15 years before the jurisdictional court and a sum of almost 50% has already been credited to the electricity authorities, the learned trial court would consider whether re-connection has already been

executed and whether there are any possibility of further progress in the trial. In case Raghunath Rice Mill has not been made an accused in the charge-sheet, the learned trial court would discharge all the accused persons in accordance with the decision of Hon'ble Supreme Court in **Aneeta Hada Vs. Godfather Travels and Tour Private Limited** reported in **(2012) 5 SCC 661: (2012) 3 SCC (Civ) 350: (2012) 3 SCC (Cri)241: 2012 SCC OnLine SC 383**.

The petitioners are directed to approach the learned trial court by 30th September, 2022. In case the petitioners appear and pray before the learned court for discharge, the learned trial court would consider the same in accordance with law.

With the aforesaid observations, CRR 4288 of 2007 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is consequently vacated.

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

(Tirthankar Ghosh, J.)