

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.4223 of 2017
(Through hybrid mode)**

Raibari Singh and others

....

Petitioners

Mr. M. R. Biswal, Advocate

-versus-

***Chief Executive Officer, CESU and
others***

....

Opposite Parties

Mr. D. K. Mohanty, Advocate

Ms. S. Pattanayak, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
11.10.2022**

Order No.

- 12.**
- 1.** Mr. Biswal, learned advocate appears on behalf of petitioners and submits, his clients are the widow and children of the deceased. The death was by electrocution. The deceased was digging earth to construct veranda in his house. Overhead wire carrying electricity from the pole to the house broke and fell on him, causing his death. Claim is for compensation.
 - 2.** Mr. Mohanty, learned advocate appears on behalf of opposite parties and submits, it is revealed from the complaint received by the police on 17th September, 2016 that petitioner no.1 said therein, her

husband may have unknowingly/accidentally cut the supply wire. He points out from the FIR that cause of death reported was by lightning.

3. Earlier Court had added State as party. Paragraph 3 from order dated 25th August, 2022 is reproduced below.

“State is directed to file affidavit regarding the supply line from the pole to the house being overhead, whether investigation into the death revealed that it was cut or the supply line was intact. The affidavit will be accepted on adjourned date upon copies served to petitioner and the supply company through learned advocates, in advance.”

4. It does appear that the FIR mentions lightning to be cause of death as reported. It also encloses complaint dated 17th September, 2016 made by petitioner. The complaint says the deceased may have cut the wire. Affidavit dated 2nd September, 2022 filed by Inspector-in-Charge, Chandaka P.S. does not say whether the supply line was overhead or underground. It appears to be an interpretation of said written complaint and the FIR. As such, the affidavit is of no assistance.

5. The police, an organ of the State, was the investigating agency on an unnatural death case having had been registered. Court is compelled to accept report of the police, as in the FIR, that death was by lightning. In the circumstances, no direction can be made on

the supply company. Petitioners, may apply to the State for compensation on the death as by lightning.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant

