

CRR 991 of 2011

In the matter of : Vivek Pratap Singh @ Vivek Prasad Singh &
Ors.

Mr. Sekhar Kumar Basu
Ms. Suchismita Dutta
Ms. Pranidhi Singh
... for the petitionrs
Mr. Binay Panda
Mr. Subham Bhakat
... for the State
Mr. Aniket Mitra
... for WBSEDCL

This application under Section 482 of the Code of Criminal Procedure was filed in 2010 for quashment of the proceeding being Special case No. 148 of 2010 pending before learned Special Judge, Special Court (E.C. Act) – cum-Additional Sessions Judge, Burdwan corresponding to Burdwan Police Station Case No. 324/2004 dated 10th July, 2004 under Section 135 of the Indian Electricity Act.

Briefly stated that one Mr. Soumendra Nath Sarkar, Divisional Manager, Burdwan (O&M) Division informed the Officer-in-charge of Burdwan Police Station in writing stating, inter alia, that Shri Lun Karan Sureka, Raj Kumar Kedia, Amar Chand Choudhury, the Directors of Burdwan Iron and Steel Company Pvt. Ltd. have committed theft of electricity. On 9th July, 2004 at about 16 hours the informant along with other employees of WBSEDCL went to the factory premises of M/S. Burdwan Iron & Steel Co. (P)

Ltd. and inspected the service connection as well as WBSEDCL properties being meter WBB-02408/LS2H301 installed at the aforesaid factory premises. During inspection the theft of electricity by dishonestly tapping by way of peeling of insulation from the metering core wire of control cable, came to the notice of the team members. As the theft of electricity was detected, meter was uninstalled and handed over to Inspector-in-charge of Burdwan Police Station in presence of the representative of the consumer's representative/ witnesses. The injured control cable of 'R' & 'B' phase C.T. & a cut piece of wire with nut and bolt were duly seized in presence of the representative of the consumer as well as other witnesses. As the information disclosed offence cognizable in nature police registered a case being Burdwan Police Station Case No. 324 of 2004 on 10th July, 2004 and after investigation submitted charge sheet. Learned Special Court took cognizance of the offence and the accused persons surrendered to the jurisdiction of the learned Trial Court. Subsequently the parties could arrive at a settlement, and in terms of such settlement a sum of Rs.1,12,95,637/- was paid by the consumer which was acknowledged by WBSEDCL on 12th November, 2010. When offence has thus been compounded by and between the parties, to keep the proceeding pending under Section 135 of the Indian Electricity Act before the Trial Court would amount to an abuse of process of law.

Accordingly, I am inclined to allow the prayer of the petitioner and quash the proceeding, pending before the learned Trial Court.

Let a copy of the order be sent to learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)