

04-08-2023  
Subha  
D/L 152  
Ct no.34

*IN THE HIGH COURT AT CALCUTTA*  
*Criminal Revisional Jurisdiction*

**CRR 1375 of 2021**

*Narayan Mahato @ Mahanto & Ors..*  
*-versus-*  
*The State of West Bengal & Ors.*

Mr. Soumyajit Das Mahapatro  
Mr. Soumya Basu Roychowdhuri  
....for the petitioners.

Mr. Arijit Ganguly  
Mrs. Debjani Sahu  
...for the State.

Report submitted by Mr. Ganguly, learned advocate for the State be kept with the record.

Report reflects that the records of the trial court have been traced and the present case being NTS PS Case No. 123 of 2013 under Section 136 of the Indian Electricity Act, 2003 is pending for more than 10 years.

The present petitioners have been prayed for transfer of the case from the court at Durgapur to the court at Howrah where a case is pending of similar nature.

Mr. Mahapatra, learned advocate appearing for the petitioners submits that the petitioner no.1 namely, Naryan Mahato @ Mahanto has expired. Death certificate of the said Naryan Mahato @ Mahanto be placed before the learned Additional Sessions Judge, Durgapur on the next date fixed for hearing.

Record also reflects that one of the petitioners before this

court namely Babla Sahani @ Bala(petitioner no.3) is absconding and against him warrant of arrest is pending. So petitioner no.2 namely, Paltan Sahani and petitioner no. 4, Bajinath @ Birju Shaw @ Baijnath Show are the other persons who are participating, available and willing to face the trial .

In view of the petitioner nos. 2 and 4 willing to face the trial and the present criminal case being pending for the last ten years, I direct the learned trial court to take steps for segregation of the case, if the absconding petitioner no. 3, Babla Sahani @ Bala is not participating in the trial of the case. The learned court will now take steps for proceedings against Sections 82 and 83 of the Code of Criminal Procedure in respect of the accused Babla Sahani @ Bala. The Petitioner no.2 and petitioner no.4 would through their lawyers present the death certificate of the petitioner no.1, namely, Narayan Mahato @ Mahanto in court. Petitioner nos. 2 and 4 would be present through their learned advocates till the process of proclamation and attachment in respect of accused Babla Sahani is completed. Let the said process be completed by 22<sup>nd</sup> November, 2023.

The learned trial court thereafter would insist on physical appearance of the present petitioner nos. 2 and 4 and thereafter fix schedule of three dates in a week so that the trial of the case is concluded by 31<sup>st</sup> December,2023. This order is being passed as the chargesheet reflects that only five witnesses have been relied upon by the prosecution.

No interference is made in respect of the transfer prayed for

by the petitioners.

The learned trial court will follow the aforesaid directions.

With the aforesaid observations, the present criminal revisional application being CRR 1375 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

. All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

**[Tirthankar Ghosh, J]**