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October 5, 2023.

GSD

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRR 157 of 2023

In the matter of: Prasanta Pramanik.

.... Petitioner

Ms. Suman Sehanabis

... for the petitioner

Mr. Sudipta kanta Bhowmik

Mr. Anirban Banerjee

Ms. Dipti Bhowmik

... for the O.P. No.2

Mr. Aditi Sankar Chakraborty

Mr. Kallol Acharya

... for the State

The present revisional application was preferred challenging the continuance of a proceeding being Baxirhat P.S. Case No. 5 of 2022 dated 03.1.2022 under Section 135(1)(a) of the Electricity Act, 2003 which is pending before the Court of Ld. Judge, Special (Electricity Act)-cum-Additional District & Sessions Judge, 2nd Court, Cooch Behar.

The petitioner approached this Court at a stage when the charge-sheet was submitted and the documents were supplied on which the prosecution proposed to rely for proving its case. However, none of the documents on which the prosecution proposes to rely, has been annexed with the present revisional application. Further, charge has already been framed and issues which have been canvassed in the present revisional application relates to question of facts, so I

am not inclined to interfere regarding the truth or falsity of the same, as such no interference is called for at this stage.

However, the petitioner would be at liberty to canvass all the points addressed in the present revisional application as also the additional points on the issue of facts at the stage of cross-examination as well as the defence witness and final arguments of the case.

With the aforesaid observations, CRR 157 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties shall act on the server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)