

10.04.2024
Serial no. 7
[G.S.D]

CRR 85 of 2024

In the matter of : Samaresh Kumar & Anr.

... .. Petitioners

Mr. Arindam Jana
Ms. Mallika Manna

Ms. Sreyashee Biswas

... for the petitioner

... for the WBSEDCL

Mr. Debasish Roy
Mr. Jaydeep Biswas

... for the State

The Memorandum of Evidence submitted on behalf of the State be kept with the record.

Case Diary has been produced which reflects that the officers of the Electric Department made search and seizures and, thereafter, made out a case under the relevant provisions of the Indian Electricity Act, 2003.

Having considered the stage at which the petitioners have approached this court, I am of the view, at this stage, it would not be proper to either tailor the sections or arrive at a finality whether any offence has been made out or not.

Charges are yet to be framed by the Id. Special Court *in seisin* of the matter.

Having regard to the same, I direct that in case the petitioners prefer any application under the relevant

provisions of either section 239 or Section 227 of the cr.p.c., in that case, the Id. Trial court would consider the same independently without being influenced by any of the observations made by this court.

With the aforesaid observations, CRR 85 of 2024 is disposed of.

Pending application, if any, is also disposed of.

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

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)