

15.04.2024
Item No.148
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1411 of 2024

In the matter of : **Fourhad Molla @ Sk. Fourhad** ... Petitioner.

Mr. Sk. Hossain Ali ... For the Petitioner.

Petitioner has challenged the continuance of Ausgram Police Station Case No. 335 of 2023 dated 01.11.2023. The case has been registered under Section 135(1)(a)(b) of the Electricity Act.

Learned advocate appearing for the petitioner submits that there has been no disconnection of the electricity at the instance of the WBSEDCL nor any notice has been served by the police authorities till date, but the petitioner is apprehending by way of institution of the present case, he may be harassed at any point of time.

Having regard to the scheme of the Code of Criminal Procedure, I am of the view that in case the petitioner is wanted by the police authorities, a notice be issued the foundation of which would be any default of the present petitioner which has been pointed out by the WBSEDCL. Having regard to the nature of the offence, a notice under Section 41A of the Code of Criminal Procedure must first be served upon the petitioner and thereafter the police authorities as they deem fit and proper will take the case to its logical conclusion.

The petitioner undertakes to cooperate with the police authorities in case a notice under Section 41A of the Code of Criminal Procedure is served upon him.

With the aforesaid observations, the revisional application being CRR 1411 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)