

D/L15

25.02.2025

Rohit

ct.no.28

C.R.R. No. 3979 of 2024

In Re: An application under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita, 2023
And

In Re: **Om Nath Sharma**

Mr. Niladri Sekhar Ghosh
Mr. Arya Bhattacharya
Ms. Soupurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikdar
Mr. Rony Mondal
Mr. Souvik Dey
Ms. Sritama Biswas

...for the petitioner

1. Petitioner has assailed impugned criminal proceeding on the ground that the illegal pilferage of electricity was by co-accused one Tarak Singh who owns a toto charging centre. Petitioner is a director of '*M/s Sahara Ayurvedic Products*' and is a consumer under the Electricity Act. In the impugned charge-sheet it is alleged that the petitioner had illegally provided electric connection to co-accused to run his toto charging centre. Petitioner strenuously argues that he did not abet the offence. Co-accused had forcibly

obtained the illegal supply from his electric meter. He has instituted a writ petition being W.P.A. 373 of 2023 challenging the assessment bills raised by the electric company.

2. I am of the considered view that uncontroverted allegations in the impugned charge-sheet prima facie disclose complicity of the petitioner in illegal pilferage of electricity from the electric connection standing in his name. Whether such illegal pilferage was with his consent or against his will is a question of fact which requires to be agitated at the appropriate stage of the proceeding.
3. It would be premature to adjudicate this issue at the preliminary stage in exercise of powers under 482 Cr.P.C. Accordingly, application is disposed of giving liberty to the petitioner to agitate his defence at the appropriate stage of the proceedings in accordance with law.

(Joymalya Bagchi, J.)